FEDERAL REGISTER

VOLUME 11 NUMBER 182

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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL AND PROFESSIONAL POSITIONS

ADDITIONS TO LIST

For the reasons set forth in the accompanying justifications [1] filed with the Division of the Federal Register, the list of positions for which formal education requirements are prescribed (§ 25.1 (a), 10 F. R. 12839), is amended as follows: "Physicist, P–1" is amended to read "Physicist, P–1 through P–8."

(Sec. 5, Veterans' Preference Act of 1944, 58 Stat. 387)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

[F. R. Doc. 46-16773; Filed, Sept. 17, 1946; 9:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 25–3]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

PARACHUTE TECHNICIAN MILITARY COMPETENCE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 11th day of September 1946.

Effective September 11, 1946, § 25.16 of Part 25 of the Civil Air Regulations is amended as follows:

By deleting the words "60 days" and inserting in lieu thereof the words "12 months."

[1] Filed as part of the original document.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 46-16707; Filed, Sept. 17, 1946; 8:47 a. m.]

[Civil Air Regs., Amdt. 25–2]

PART 25—PARACHUTE TECHNICIAN CERTIFICATES

EXISTING CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 11th day of September 1946.

Effective September 11, 1946, § 25.700 of the Civil Air Regulations is amended to read as follows:

§ 25.700 *Existing certificates.* Any person who, on January 21, 1943, possessed a currently effective mechanic certificate with parachute rigger rating may at any time prior to December 31, 1947, secure upon application a parachute technician certificate of:

(a) Parachute rigger grade with approprate ratings; or

(b) A higher grade with appropriate ratings upon demonstrating to the Administrator that he is able to meet the standards currently prescribed in the Civil Air Regulations for the issuance of such grade and ratings.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 46-16706; Filed, Sept. 17, 1946; 8:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

PART 160—MISCELLANEOUS ACCOUNTING ORDERS

CROSS REFERENCE: For the redesignation of Part 160 see Part 221, *infra.*

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REGULATIONS AND NOTICES

FEDERAL REGISTER

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CODIFICATION GUIDE—Continued

Subchapter D—Approved Forms, Federal Power Act

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Sec.

NOTE: Part 141 formerly designated Part 210, Order 132, August 28, 1946, effective September 11, 1946, 11 F. R. 177A-1946. Numbers to the right of the decimal point correspond with the respective numbers in the old part unless otherwise noted.

§ 141.2 *Form No. 1A, Annual report for electric utilities and licensees, Class C.* * * * (Asterisks indicate matters heretofore published under same section designation in the FEDERAL REGISTER or the Code of Federal Regulations.)

NOTE: § 141.2 formerly designated § 210.4.

§ 141.3 *Form No. 1B, Annual report for electric utilities and licensees, Class D (Privately owned).* * * *

NOTE: § 141.3 formerly designated § 210.5.

§ 141.4 *Form No. 1C, Annual report for electric utilities and licensees, Class D (Publicly owned).* * * *

NOTE: § 141.4 formerly designated § 210.9.

§ 141.5 *Form No. 1D, Annual report for licensees using special condensed accounting rules.* * * *

NOTE: § 141.5 formerly designated § 210.3.

§ 141.6 *Form No. 1E, Annual report for Class I licensees.* * * *

NOTE: § 141.6 formerly designated § 210.2.

§ 141.11 *Form No. 6, Initial statement showing actual legitimate original cost of project.* * * *

(c) This form contains the following list of schedules:

SECTION I—GENERAL DATA

Schedule:

1. Organization and intercorporate relationship.
2. Description of project.
3. Manner and method of financing the project.
4. Chronological statement and summary of progress of construction.

SECTION II—STATEMENT OF CLAIMED COST

Schedule:

5. Statement of claimed cost.
5A. Analysis of direct charges for intangible plant.
5B. Analysis of direct charges for production plant.
5C. Analysis of direct charges for transmission plant.
5D. Analysis of direct charges for general plant.
5E. Analysis of indirect construction costs.
5F. Analysis of overhead construction costs.
5G. Analysis of earnings and expenses during construction.
6. Statement of claimed accrued depreciation.

SECTION III—SUPPORTING DATA

Schedule:

7. Final construction trial balance.
8A. Analysis of cost of production plant land and rights.
8A-1. Summary and segregation of direct land costs distributed to parcels.
8A-1a. Analysis of cost of individual parcels of land.
8A-2. Analysis of acquisition and other costs not distributed to parcels.
8A-3. Analysis of Licensee's departmental charges not distributed to parcels.
8B. Analysis of cost of transmission plant land and land rights.
8B-1. Summary and segregation of direct land costs distributed to parcels.
8B-1a. Analysis of cost of individual parcels of land.
8B-2. Analysis of acquisition and other costs not distributed to parcels.
8B-3. Analysis of licensee's departmental charges not distributed to parcels.
8C. Analysis of cost of general plant land and land rights.
8C-1. Summary and segregation of direct land costs distributed to parcels.
8C-1a. Analysis of cost of individual parcels of land.
8C-2. Analysis of acquisition and other costs not distributed to parcels.
8C-3. Analysis of licensee's departmental charges not distributed to parcels.
9. Statement of engineering and construction fees and expenses.
10. Statement of legal fees and expenses.
11. Statement of accounting, financing and miscellaneous fees and expenses.
12. Analysis of insurance, injuries, and damages during construction.
12A. Summary of compensation insurance and social security contributions.
13. Analysis of taxes during construction.
14. Statement of interest during construction.
14A. Analysis of interest, discount and expense on bonds, debentures, etc.
14A-1. Statement of discount or premium and expense on long-term debt.
14B. Analysis of interest paid to affiliates on notes and advances.
14C. Analysis of interest paid to non-affiliates on notes, mortgages, etc.
14D. Analysis of interest paid on capital stock subscription installments.
14E. Analysis of interest claimed on licensee's own funds.
14F. Analysis of interest credited to project during construction.
15. Analysis of claimed cost of power used in aid of construction.
16. Power production and outages during construction.
17. Claimed value of power produced during construction.
18. Statement of labor rates.
19. Analysis of material quantities and unit costs.
20. Summary of monthly expenditures.
21. Summary of contract payments.
22. Statements of bids received.
23. General maps, drawings and photographs.

Affidavit.

(Sec. 4 (b), 49 Stat. 839, 16 U. S. C., Sup., 797 (b))

NOTE: Form No. 6, Initial statement showing actual legitimate original cost of project, effective Jan. 1, 1945, 9 F. R. 14709, prescribed by Order 120, Dec. 8, 1944, superseding Order 48, Jan. 25, 1938, and Order 87, Nov. 25, 1941, 6 F. R. 6127, and forms thereby prescribed. § 141.11 formerly designated § 210.5a.

§ 141.12 *Form No. 7, Statement of actual legitimate original cost of construction.* * * *

NOTE: § 141.12 formerly designated § 210.8.

§ 141.13 *Form No. 8, Report of claimed increases and decreases in licensed project plant accounts.* * * *

NOTE: § 141.13 formerly designated § 210.7.

§ 141.21 *Form No. 3, Typical net monthly bills.* This form is designed to obtain information concerning monthly bills for specified quantities of electric service to residential, commercial (light), commercial (power), and industrial consumers. At the close of each year, bill data based upon last filed rate schedule are sent to the electric suppliers, who are requested to report any necessary corrections. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.22 *Form No. 4, Monthly report of generation of electric energy consumption and stocks of fuel (multiple plant utilities).* This form is designed to obtain monthly information concerning generation of electric energy and consumption and stocks of fuel from utilities having more than one generating plant. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.23 *Form No. 4A, Monthly report of generation of electric energy consumption and stocks of fuel (single plant utilities).* This form is designed to obtain the same information as in § 141.22, but from utilities having only one generating plant. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.24 *Form No. 4B, Monthly report of industrial generation of electric energy.* This form is designed to obtain monthly information concerning generation of electric energy by industrial establishments. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.25 *Form No. 5, Monthly statement of electric operating revenue and income.* This form is designed to obtain monthly information concerning electric operating revenues, revenue deductions, and income, from all Class A electric utilities, both privately and publicly owned. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.26 *Form No. 13, Summary for National Electric Rate Book.* This form is designed to obtain information concerning retail rate schedules of electric utilities. Rate schedules filed with the Commission are summarized on the form and submitted to utilities for approval or correction. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.27 *Form No. Temp. 2-46, Directory of electric (and gas) utilities.* This form is designed to obtain information concerning service rendered, names of officers, and corporate characteristics of electric utilities. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.51 *Form No. 12, Power system statement for Class I and II systems.* * * *

(c) This form contains the following list of schedules:

Schedule:
1. List of all system generating plants and their installed capacity.
2. System hydroelectric data.
4. Hydroelectric plant data.
5. Steam-electric plant data.
6. Steam-electric plant performance.
7. Internal-combustion engine plant data.
8. Itemized accounting of energy transfers with other electric utility systems and industrial companies during the year.
9. System energy accounting for the year.
10. Energy delivered to ultimate consumers during the year.
11. Energy transferred across a State boundary to and from the respondent's system in adjoining States during the year.
13. Demand on generating plants, power received, and power delivered, for resale, at the time of system peak load of the year.
14. Net generation, energy received and delivered, and system peaks by month for the year.
15. System load data for the year.
16. System dependable and assured capacity.
17. Distribution of system load in service area.
18A. System maps and diagrams.
18B. High voltage line data.
19. System forecasts.
Affidavit.

(Sec. 4 (a), 301 (a), 304 (a), 309, 311, 49 Stat. 839 (a), 854 (a), 855 (a), 858, 859; 16 U. S. C., Supp. 797, 825 (a), 825c (a), 825h, 825j).

NOTE: Form No. 12, Power system statement for Class I and II systems, effective Jan. 31, 1946 prescribed by Order 125, Jan. 25, 1946, 11 F. R. 2844, superseding Order 118, Nov. 20, 1944, 9 F. R., 14045 and the form thereby prescribed.

§ 141.52 *Form No. 12A, Power system statement for Class III and IV systems.* * * *

(c) This form contains the following list of schedules:

Schedule:
1. Electric generating equipment owned or operated by respondent as of December 31.
2. Net generation, energy received and delivered, and system peaks, by months, for the year.
3. Energy transfers and connections of respondent's system with other systems.
4. System energy accounting for the year.
5. Energy delivered to ultimate consumers during the year.
6. System dependable and assured capacity.
7. Map of respondent's electric system.

(Secs. 4 (a), 301 (a), 304 (a), 309, 311, 49 Stat. 839 (a), 854 (a), 855 (a), 858, 859; 16 U. S. C., Sup., 797, 825 (a), 825c (a), 825h, 825j)

NOTE: Form No. 12A, Power system statement for Class III and IV systems, effective Jan. 31, 1946, prescribed by Order 126, Jan. 25, 1946, 11 F. R. 2844, superseding Order 119, Nov. 20, 1944, 9 F. R. 14045, and the form thereby prescribed.

§ 141.53 *Form No. 12B, Industrial electric generating capacity (Detailed information).* This form is designed to obtain information in some detail concerning electric generating equipment owned or operated by industrial establishments, and contains the following schedules:

Schedule:
1. Electric generating equipment owned or operated by respondent at end of year.
2. Alternations and additions.
3. Electric energy transfers and connections of respondent's establishment with others.

(Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

NOTE: Former § 210.53 is obsolete.

§ 141.54 *Form No. 12C, Industrial electric generating capacity (Limited information).* This form is designed to obtain limited information concerning generating capacity owned or operated by industrial establishments. It is not sent to respondents supplying information on Form No. 4B (§ 141.24) and Form No. 12H (§ 141.53). (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.55 *Form No. 12D, Power system statement for Class III and IV systems of less than 5,000,000 kwh energy for system.* * * *

(c) This form contains the following list of schedules:

Schedule:
1. Electric generating equipment owned or operated as of December 31.
2. Energy transfers and connections with other systems.
3. Net generation, energy received and delivered, and systems peak for the year.
4. Energy delivered to ultimate consumers during the year.
5. Map of electric system.

(Secs. 4 (a), 301 (a), 304 (a), 309, 311, 49 Stat. 839 (a), 854 (a), 855 (a), 858, 859; 16 U. S. C., Sup., 797, 825 (a), 825c (a), 825h, 825j)

NOTE: Form No. 12D, Power system statement for Class III and IV systems of less than 5,000,000 kwh energy for system, effective Jan. 31, 1946, prescribed by Order 127, Jan. 25, 1946, 11 F. R. 2844.

§ 141.56 *Form No. 12E, Monthly load statement.* This form is a monthly supplement to Schedule 14 of Form No. 12 (§ 141.51), and is designed to obtain monthly information concerning net energy for load and peak load of electric utility systems. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

§ 141.57 *Form No. 12F, Power line and generating plant data.* This form is a supplement to Schedules 16 and 18 of Form No. 12 (§ 141.51), and is designed to obtain information concerning power line and generating plant data. (Secs. 309, 311, 49 Stat. 858, 859; 16 U. S. C., Sup., 825h, 825j)

Subchapter F—Accounts, Natural Gas Act

PART 221—MISCELLANEOUS ACCOUNTING ORDERS

Sec.
221.1 Gas plant instruction 2D, uniform system of accounts.
221.2 Disposition of gas plant acquisition adjustments.

NOTE: Former Part 160 redesignated Part 221, Order 132, Aug. 23, 1946, effective Sept. 11, 1946, 11 F. R. 177A-496.

§ 221.1 *Gas plant instruction 2D, uniform system of accounts.* In submitting the information called for in Gas Plant Instruction 2D of the Uniform System

of Accounts for Natural Gas Companies, each company shall furnish, insofar as applicable, the following statements, in triplicate, on paper cut or folded to 8½ inches wide by 11 inches long, and properly sworn to by the officer in responsible charge of their compilation:

Statement A showing the origin and development of the company, including, particularly, a description (giving names of parties and dates) of each consolidation and merger to which the company, or a predecessor, was a party and each acquisition of a gas operating unit or system. Any affiliation existing between the parties shall be stated.

Statement B showing for each acquisition of a gas operating unit or system by the reporting company or any of its predecessors: (1) the original cost (estimated only if not determinable from existing records), (2) the cost of the acquiring company, (3) the amount entered in the books as of the date of acquisition, (4) the difference between the original cost and the amount entered in the books, (5) a summary of all transactions affecting such difference, including retirements, between the date of each acquisition and January 1, 1940, and (6) the amount of such difference remaining at January 1, 1940.

If the depreciation, retirement or amortization reserve was adjusted as of the date of acquisition and in connection therewith, a full disclosure of the pertinent facts shall be made.

The amount to be included in Account 100.5, Gas Plant Acquisition Adjustments, as of January 1, 1940, shall be subdivided so as to show the amounts applicable to (a) gas plant in service, (b) gas plant leased to others, and (c) gas plant held for future use.

The procedure followed in determining the original cost of the gas plant acquired as operating units or systems shall be described in sufficient detail so as to permit a clear understanding of the nature of the investigations and analyses which were made for that purpose.

Where estimates are used in arriving at original cost or the amount to be included in Account 100.5, a full disclosure of the method and underlying facts shall be given. The proportion of the original cost of each acquisition which has been determined from actual recorded costs and the proportion estimated shall be shown for each functional class of plant. In addition there shall be furnished in respect to each predecessor or vendor company for which complete construction costs are not available, a description of such plant records as are available, including the years covered thereby.

Statement C showing any amounts arrived at by appraisals, recorded prior to January 1, 1940, in the gas plant accounts (and not eliminated) in lieu of cost to the reporting company. This statement should describe the appraisal and give the complete journal entry at the time the appraisal was originally recorded. If the entry had the effect of appreciating or writing-up the gas plant account, the amount of the appreciation or write-up should be traced, by proper description and explanation of changes, from the date recorded to January 1, 1940.

Statement D showing in detail as of December 31, 1939, gas plant as classified in the books of account immediately prior to reclassification, including under appropriate descriptive headings, any unclassified amounts applicable jointly to the gas department and other departments of the utility.

Statement E showing the adjustments necessary to state, as of January 1, 1940, Account 100, Gas Plant, including its subaccounts, Account 107, Gas Plant Adjustments, and amount of common utility plant includible in Account 108, Other Utility Plant, as prescribed in the Uniform System of Accounts.

Statement F showing gas plant (balance sheet Account 100) as of January 1, 1940, classified according to the subaccounts and the detailed accounts thereunder prescribed in the Uniform System of Accounts, effective on that date, and showing also the amount includible in Account 107, Gas Plant Adjustments, and the amount of common utility plant includible in Account 108, Other Utility Plant.

Statement G showing a comparative balance sheet, as of January 1, 1940, reflecting the accounts and amounts appearing in the books before the adjusting entries have been made and after such entries shall have been made. The balance sheet shall be classified by the accounts set forth in the Uniform System of Accounts Prescribed for Natural Gas Companies.

Statement H giving a suggested plan for depreciating, amortizing, or otherwise disposing of, in whole or in part, the amounts, as of January 1, 1940, includible in Account 100.5, Gas Plant Acquisition Adjustments, and Account 107, Gas Plant Adjustments.

Statement I furnishing the following statistical information relative to gas plant:

PRODUCTION PLANT

MANUFACTURED GAS

Show separately for each producing plant the name and location of plant, date of original construction, type of plant (whether coal gas, coke ovens, water gas, etc), rated 24-hr. capacity in m. c. f. of each unit and of the total plant, and date of installation of each unit installed after original construction. Show also the original cost according to the System of Accounts for each plant, by Accounts 311 to 325, inclusive.

NATURAL GAS

For each "field" includible in Account 100.1, Gas Plant in Service, furnish the number of acres each of gas producing lands owned, of gas producing lands leased by the company, and of land on which gas rights only are owned, as included, in Accounts 330.1, 330.2, 330.3, respectively. The same information, classified by subaccounts, shall be furnished for producing and nonproducing acreage includible in Account 100.2, Gas Plant Leased to Others, and in Account 100.4, Gas Plant Held for Future Use.

For each "field" state number of feet of each size pipe used in Field Gathering Lines.

For each "field" state number of wells included in Accounts 332.1 and 332.2 segregated to show the number of wells on each type of producing lands classified under Accounts 330.1, 330.2, 330.3.

When pumping or compressing plants exist within the Production Plant, include the same information as that requested for Compressor Stations under Transmission Plant.

State type and character of Purification Equipment and Residual Refining Equipment included in Accounts 335 and 336, respectively.

Show the original cost according to the System of Accounts for natural gas production plant by each "field" and by Accounts 330.1 to 337.

STORAGE PLANT

Show separately for each location the name of plant, date of construction, type and total capacity (m. c. f.), of each gas holder. State also the original cost according to the System of Accounts for each location, by Accounts 341 and 342.

If depleted gas fields are being repressured, the statements furnished shall reflect the number of acres involved and the original cost according to the System of Accounts (Accounts 341 and 342).

TRANSMISSION PLANT

State the number of feet of each size of main.

State separately for each compressor boosting station the name of plant, location, date of original construction, rated capacity, type and character of power unit and rated capacity and type of compressor units. Also state the capacity, type and date of installation of each additional power or compressor unit. Show for each station the original cost according to the System of Accounts by Accounts 351, 352 and 354 and by prescribed subaccounts.

DISTRIBUTION PLANT

State number of feet of each size of main and the number of active meters, house regulators and services. Give a general description of the district regulators and the number, by sizes.

Where pumping or compressor stations exist within the distribution plant, include the same information requested for similar stations under transmission plant.

GENERAL PLANT

Describe the principal structures and improvements.

State the number and type of transportation vehicles and appurtenant equipment.

Give a description of store, shop and laboratory equipment and miscellaneous equipment.

Furnish maps, drawn to scale, upon which indicate transmission mains, location of production plants (artificial and natural), producing and nonproducing leaseholds (indicating thereon producing wells, dry holes and depleted wells), gathering systems, booster and compressor stations, communities served (noting as to wholesale or retail) and large industrial consumers. Where gas is purchased from or sold to other gas utilities, indicate location of measuring stations or gates. If scale maps are not available, furnish sketch maps upon which should be indicated approximate distances between the locations above specified.

(Secs. 8 (a), 10 (a), 16, 52 Stat. 824 (a), 826 (a), 830; 15 U. S. C., 717g (a), 717i (a), 717o) (Order 73, April 9, 1940, 5 F. R. 1434, 2343)

§ 221.2 *Disposition of gas plant acquisition adjustments.* (a) Debit amounts in Account 100.5, Gas Plant Acquisition Adjustments, may be charged to Account 414, Miscellaneous Debits to Surplus, in whole or in part, or may be amortized over a reasonable period by charges to Account 537, Miscellaneous Amortization, without further order of the Commission;

(b) Should a utility desire to account for debit amounts in Account 100.5, Gas

Plant Acquisition Adjustments, in any manner different from that indicated in paragraph (a) of this section, it shall petition the Commission for authority to do so;

(c) Debit balances shall not be determined by application of credit amounts thereto;

(d) Credit amounts in Account 100.5, Gas Plant Acquisition Adjustments, shall be accounted for as directed by the Commission;

(e) Where a utility, subject to both Federal and State regulations, petitions the Commission in accordance with paragraph (b) of this section, the cooperative procedure heretofore adopted between Federal and State Commissions shall be invoked;

(f) Disposition of amounts in Account 100.5, Gas Plant Acquisition Adjustments, as above directed, is for accounting purposes only and such disposition shall not be construed as determining or controlling the consideration to be accorded these items in rate or other proceedings, nor shall anything contained herein prevent the Commission from subsequently ordering the amounts to be charged directly to Account 414, Miscellaneous Debits to Surplus, or from modifying the adopted amortization period. (Secs. 8 (a), 10 (a), 16, 52 Stat. 824 (a), 826 (a), 830; 15 U. S. C. 717g (a), 717i (a), 717o) (Order 69A, Mar. 3, 1942, 7 F. R. 1783)

Subchapter G—Approved Forms, Natural Gas Act

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Sec.

§ 260.1 *Form No. 2, Annual report for natural gas companies (Classes A and B).* * * *

(c) This annual report contains the following list of schedules:

Schedule:
- 101. Officers.
- 102. Directors.
- 103. Control over respondent.
- 104. Corporations controlled by respondent.
- 106. Security holders and voting powers.
- 109. Important changes during the year.
- 200. Comparative balance sheet.
- 201. Utility plant (Accounts 100, 107, and 108).
- 206. Other physical property (Account 110).
- 206A. Other physical property—Oil property (Included in Account 110).
- 208. Investments in securities (Accounts 111.1 and 112).
- 209. Investment advances—Notes (Accounts 111.2 and 112).
- 210. Investment advances—Open account (Accounts 111.2 and 112).
- 216. Sinking and miscellaneous special funds (Accounts 113 and 114).
- 217. Assets in sinking and miscellaneous special funds.
- 219. Securities acquired during year.
- 220. Securities disposed of during year.

Schedule:
- 223. Special deposits (Account 121).
- 225. Temporary cash investments (Account 123).
- 226. Notes receivable (Account 124).
- 227. Accounts receivable (Account 125).
- 229. Notes receivable from associated companies (Account 126.1).
- 230. Accounts receivable from associated companies (Account 126.2).
- 234. Materials and supplies (Account 131).
- 236. Prepayments (Account 132).
- 237. Other current and accrued assets (Account 133).
- 238. Unamortized debt discount and expense (Account 140).
- 239. Extraordinary property losses (Account 141).
- 240A. Preliminary natural gas survey and investigation charges (Account 142.1.
- 240B. Other preliminary survey and investigation charges (Account 142.2).
- 241. Clearing accounts (Account 143).
- 244. Retirement and other work in progress (Accounts 144 and 145).
- 245. Other deferred debits (Account 146).
- 246. Deferred regulatory commission expenses.
- 249. Discount on capital stock (Account 150).
- 250. Capital stock expense (Account 151).
- 253. Capital stock (Accounts 200 and 201).
- 258. Stock liability for conversion, premiums and assessments on capital stock, capital stock, subscribed, installments received on capital stock (Accounts 202, 203, 204 and 205).
- 263. Long-term debt (Accounts 210, 211, and 213).
- 264. Advances from associated companies, Notes (Account 212.1).
- 265. Advances from associated companies, Open account (Account 212.2).
- 266. Securities issued or assumed during year.
- 268. Notes payable (Account 220).
- 270. Notes payable to associated companies (Account 223.1).
- 271. Accounts payable to associated companies (Account 223.2).
- 274. Accrued and prepaid taxes.
- 276. Interest accrued (Account 229).
- 278. Unamortized premium on debt (Account 240).
- 280. Other current and accrued liabilities (Account 230).
- 283. Other deferred credits (Account 242).
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- 289. Reserve for uncollectible accounts (Account 254).
- 290. Insurance reserve, injuries and damages reserve, employees' provident reserve, other reserves (Accounts 255, 256, 257, and 258).
- 296. Contributions in aid of construction (Account 265).
- 297. Capital surplus (Account 270).
- 300. Income and earned surplus account.
- 300A. Other utility operating income (Account 509).
- 302. Income from gas plant leased to others (Account 508).
- 304. Income from nonutility operations (Account 521).
- 305. Revenues from lease of other physical property (Account 522).
- 306. Income from merchandising, jobbing and contract work.
- 309. Revenues from sinking and other funds (Account 525).
- 310. Miscellaneous nonoperating revenues (Account 526).
- 311. Nonoperating revenue deductions (Account 527).
- 315. Interest on debt to associated companies (Account 534).
- 316. Other interest charges (Account 535).
- 318. Miscellaneous amortization (Account 537).

Schedule:
- 319. Miscellaneous income deductions (Account 538).
- 321. Miscellaneous reservations of net income (Account 540).
- 322. Miscellaneous credits to surplus (Account 401).
- 323. Dividend appropriations (Accounts 411 and 412).
- 324. Miscellaneous reservations of surplus (Account 413).
- 325. Miscellaneous debits to surplus (Account 414).
- 400. Gas plant in service (Account 100.1).
- 403. Gas plant leased to others (Account 100.2).
- 404. Construction work in progress—Gas (Account 100.3).
- 405. Gas plant held for future utility use (Account 100.4).
- 406. Gas plant acquisition adjustments (Account 100.5).
- 408. Gas plant adjustments (Account 107).
- 411. Gas plant in process of reclassification (Account 100.6).
- 414. Reserve for depreciation of gas plant (Account 250.1).
- 415. Reserve for amortization and depletion of producing natural gas land and land rights (Account 250.2).
- 416. Reserve for abandoned leases (Account 250.3).
- 417. Reserve for amortization of other limited-term gas investments (Account 251).
- 418. Reserve for amortization of gas plant acquisition adjustments (Account 252).
- 420A. Common utility plant.
- 420B. Reserve for depreciation of common utility plant.
- 420C. Common utility plant expenses.
- 425. Gas operating revenues (Account 501).
- 427. Sales of natural gas by communities.
- 428. Main line industrial sales of natural gas.
- 429. Sales to other gas utilities—Natural gas (Account 605).
- 433. Interdepartmental sales—Natural gas (Account 607).
- 434. Other sales—Natural gas (Account 608).
- 436. Rent from gas property (Account 610).
- 437. Interdepartmental rents (Account 611).
- 438. Revenue from transportation of gas of others—Natural gas (Account 615).
- 440. Natural gas exchanged.
- 441. Revenue from incidental gasoline sales, revenue from processing natural gas, revenue from incidental oil sales, miscellaneous gas revenues (Accounts 616, 617, 618, and 619).
- 450. Gas operating expenses.
- 454. Duplicate charges—Credit (Account 749).
- 457. Transmission and compression of gas by others (Account 763.1).
- 458. Gas purchased (Account 754).
- 460. Purchased gas expenses (Account 755).
- 462. Franchise requirements (Account 805).
- 463. Administrative and general expenses transferred—Credit (Account 807).
- 464. Rents charged to gas operating expenses.
- 466. Regulatory commission expenses (Account 797).
- 467. Officers' salaries.
- 468. Joint expenses—Debit and credit.
- 470. Taxes charged during year.
- 471. Depreciation, depletion, and amortization of gas plant (Accounts 503.1, 503.2, and 504).
- 471A. Depreciation, depletion, and amortization of natural gas production plant.
- 471B. Depreciation and amortization of storage, transmission, distribution, and general plant.
- 472. Exploration and development costs (Accounts 510, 511, 513).
- 473. Abandoned leases (Account 512).
- 474. Construction overheads—Gas.

Schedule:
476. Service contract charges by associated companies.
477. Management and engineering contracts with nonassociated companies.
479. Natural gas land acreage.
480. Natural gas reserves.
481. Natural gas production statistics.
481A. Reconciliation of production system expenses.
483. Number of gas and oil wells.
484. Field lines.
485. Field compressor stations.
487. Residual recovery operations—Natural gas.
488. Transmission compressor stations.
490. Transmission lines.
491. Transmission line plant and expenses.
492. Transmission measuring and regulating station plant and expenses.
493. City gate and main line industrial measuring and regulating station plant and expenses.
494. Storage of natural gas.
495. Gas account—Natural gas.
496. Manufactured gas production statistics.
497. System map.
498. Number of employees and their compensation.
499. Distribution of salaries and wages for the year. Verification.

(Secs. 10 (a) and 16, 52 Stat. 826, 830; 15 U. S. C. 717i (a) and 717o) (Form No. 2, annual report for Classes A and B natural gas companies, prescribed by Order 113, Dec. 21, 1943, 8 F. R. 17338; superseding Order 100, Nov. 24, 1942, 7 F. R. 10045 and Form No. 133)

§ 260.2 *Form No. 2A, Annual report for natural gas companies (Classes C and D).* * * *

(c) This annual report contains the following list of unnumbered schedules:

General information, p. 1.
Comparative balance sheet, pp. 2–3.
Income and earned surplus account, pp. 4–5.
Gas plant in service, leased to others, and held for future use (Class C natural gas companies), pp. 6–7.
Gas plant in service, leased to others, and held for further use (Class D natural gas companies), pp. 8–9.
Gas plant in process of reclassification, p. 10.
Reserve for depreciation and amortization of gas plant, p. 11.
Gas operating revenues, p. 12.
Gas operating expenses, pp. 13–14–15.
Gas account, p. 16.
System map, p. 17.
General information concerning plant and operations, p. 17.
Oath, p. 18.

(Secs. 10 (a) and 16, 52 Stat. 826, 830; 15 U. S. C. 717i (a) and 717o) (Form No. 2A, annual report for Classes C and D natural gas companies, prescribed by Order 114, Dec. 21, 1943, 8 F. R. 17338; superseding Order 90, Feb. 7, 1942, 7 F. R. 1018, and Form No. 133 M, § 260.2 formerly designated § 260.3)

§ 260.3 *Form No. 11, Monthly statement of operating revenues and income for natural gas companies (Classes A and B).* * * *

(c) Form No. 11 is designed to obtain monthly information concerning gas operating revenues, revenue deductions, and income. (Secs. 10 (a) and 16, 52 Stat. 826, 830; 15 U. S. C. 717i (a) and 717o) Form No. 11, monthly statement of operating revenues and income for Classes A and B natural gas companies, prescribed by Order 131, April 17, 1946, 11 F. R. 4475)

§ 260.4 *Form No. Temp. 2–46, Directory of gas (and electric) utilities.* This form is designed to obtain information concerning service rendered, names of officers, and corporate characteristics of gas utilities. (Secs. 10 (a) and 16 Stat. 626, 830; 15 U. S. C. 717i (a) and 717o)

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46–16721; Filed, Sept. 17, 1946; 8:48 a. m.]

TITLE 29—LABOR

Chapter IX—Department of Agriculture (Agricultural Labor)

[Supp. 95, Amdt. 1]

PART 1110—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF OREGON

WORKERS ENGAGED IN HARVESTING PLUMS AND PRUNES IN CERTAIN OREGON COUNTIES

Section 1110.17 (Supp. No. 95) issued August 23, 1946 (11 F. R. 9514) is hereby amended as follows:

1. Paragraph (b) (2) is hereby amended to read as follows:

(2) The term "other harvest labor" means all labor incident to the harvesting of plums or prunes, or both, except picking, picking and shaking, and prune dryermen and shall include, but not be limited to, shakers, buckers, tractor drivers, truck drivers, and loaders of sleds or trucks.

2. At the end of paragraph (d) and before paragraph (e) the following paragraph shall be added:

Requests for adjustments or appeals for relief from hardships as provided in the specific wage ceiling regulations shall be submitted on Form LR 1701–2 to the Oregon USDA Wage Board or its designated representatives. Blank forms LR 1701–2 may be secured from the Oregon USDA Wage Board, 701 Pittock Block, Portland 5, Oregon.

Effective date. This Amendment 1 to Supp. 95 shall become effective at 12:01 a. m. Pacific standard time September 12, 1946.

(56 Stat. 765; 50 U. S. C. 961 et seq. (Supp. IV); 57 Stat. 63; 50 U. S. C. 964 (Supp. IV); 58 Stat. 632; Pub. Law 108, 79th Cong.; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9577, 10 F. R. 8087; E. O. 9620; 10 F. R. 12023; E. O. 9651, 10 F. R. 13487; E. O. 9697, 11 F. R. 1691; regulations of the Economic Stabilization Director, 8 F. R. 11960, 12139, 16702; 9 F. R. 6035, 14547; 10 F. R. 9478, 9628; 11 F. R. 2517; regulations of the Secretary of Agriculture, 9 F. R. 655, 12117, 12611; 10 F. R. 7609; 9581; 9 F. R. 831, 12807, 14206; 10 F. R. 3177; 11 F. R. 5903)

Issued this 12th day of September 1946.

[SEAL] WILSON R. BUIE,
Director, Labor Branch, Production and Marketing Administration.

[F. R. Doc. 46–16716; Filed, Sept. 17, 1946; 8:53 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter IV—Oil and Gas Division, Department of Interior

PART 400—ORGANIZATION AND PROCEDURE

Correction

In Federal Register Document 46–15041, appearing at page 177A–224 of Part II of the issue for September 11, 1946, the reference to Form I in § 400.105 (a) (4) should read "Form T".

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 399]

PART 603—SELECTIVE SERVICE OFFICERS

STATE PROCUREMENT AND MEDICAL OFFICERS

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

Amend the regulations by deleting § 603.13 and 603.14 in their entirety.

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 12, 1946.

[F. R. Doc. 46–16776; Filed, Sept. 17, 1946; 10:22 a. m.]

[Amdt. 400]

PART 622—CLASSIFICATION

Pursuant to authority contained in the Selective Training and Service Act of 1940, as amended, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraphs (d) and (e) of § 622.51 to read as follows:

§ 622.51 *Class IV–E: Conscientious objector available for, assigned to, or released from work of national importance.* * * *

(d) A registrant placed in Class IV–E who has been separated from work of national importance under civilian direction by the issuance of a Certificate of Release shall be retained in Class IV–E, unless his reclassification into some other class is specifically authorized by the Director. (Every such registrant shall be identified with the abbreviation "Disc." in the manner provided in § 622.86–2, and shall not be available for further service.)

(e) A registrant placed in Class IV–E who has been separated by death from work of national importance under civilian direction shall be retained in Class IV–E. (Every such registrant shall be identified with the abbreviation "Dec." in the manner provided in § 622.86).

2. Add a new paragraph (f) to § 622.51 to read as follows:

(f) A registrant who has been separated from work of national importance other than by issuance of a Certificate of Release or by death shall be retained in Class IV–E or shall be classified and retained in Class IV–E, unless his reclassification into some other class is specifically authorized by the Director. (Every such registrant shall be identified with the abbreviation "Sep." in the manner provided in § 622.86–3 and shall not be available for further service if he has served for a period of at least six months.)

3. Strike out § 622.86–2 and insert in its place the following:

§ 622.86–2 *Identification of Class IV–E registrant issued a Certificate of Release.* A registrant who is separated from work of national importance under civilian direction by the issuance of a Certificate of Release and who is retained in Class IV–E shall be identified in all records by following his classification with the abbreviation "Disc.".

4. Add a new § 622.86–3 to read as follows:

§ 622.86–3 *Identification of Class IV–E registrant separated from work of national importance other than by Certificate of Release or death.* A registrant who is separated from work of national importance under civilian direction other than by issuance of a Certificate of Release or by death, shall be identified in all records by following his classification with the abbreviation "Sep.".

The foregoing amendment to the Selective Service Regulations shall be effective within the continental United States immediately upon the filing hereof with the Division of the Federal Register and shall be effective outside the continental limits of the United States on the 30th day after the date of filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

SEPTEMBER 12, 1946.

[F. R. Doc. 46–16777; Filed, Sept. 17, 1946; 10:22 a. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507.

PART 1010—SUSPENSION ORDERS

[Suspension Order S–967]

M. DEMATTEO CONSTRUCTION CO.

M. DeMatteo Construction Company, a corporation located at 200 Hancock Street, Quincy, Massachusetts, is engaged in business as a general contractor. On February 27, 1946 the Corporation filed an application on Form CPA–541–A for priorities assistance for the purchase of four Diesel-powered shovels. From the denial of this application, the corporation filed on May 1, 1946 an appeal with the Appeals Board of the Civilian Production Administration for further consideration of its request for priorities assistance. In the course of the hearing before the Appeals Board, the representative of the M. DeMatteo Construction Company made false and misleading representations which induced the Appeals Board to grant the company authorization on Form CPA–541–A dated May 6, 1946 for the purchase of four Diesel-powered shovels. The furnishing of this false and misleading information subjected the M. DeMatteo Construction Company to the administrative action provided for under the provisions of § 944.18 of Priorities Regulation 1. These actions have diverted critical materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.967 *Suspension Order No. S–967.* (a) The authorization granted to the M. DeMatteo Construction Company on Form CPA–541–A, dated May 6, 1946 for the purchase of four Diesel-powered shovels is hereby revoked and cancelled and shall not be given any effect by suppliers of the M. DeMatteo Construction Company or by any other person.

(b) The M. DeMatteo Construction Company shall immediately notify its suppliers of the revocation and cancellation of the authorization granted to it on Form CPA–541–A, dated May 6, 1946.

(c) The provisions of this order shall in no way prejudice any other application which the M. DeMatteo Construction Company may make for priorities assistance.

(d) Nothing contained in this order shall be deemed to relieve the M. DeMatteo Construction Company from any restriction, prohibition, or provision contained in any order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

(e) The restrictions and prohibitions contained herein shall apply to the M. DeMatteo Construction Company, its successors or assigns or persons acting in its behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

Issued this 16th day of September 1946.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46–16882; Filed, Sept. 16, 1946; 4:36 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[SO 129, Amdt. 55]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF MACHINES, PARTS, INDUSTRIAL MATERIALS AND SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.

Supplementary Order 129 is amended in the following respects:

1. Section 12 (a) is amended by adding the following list of commodities:

Cottrell transformers specially designed for precipitation service.
Electrostatic charge eliminators, not including sales of parts of such equipment by any seller.
Electronic heat generators, over 1 KW rating, not including sales of parts of such equipment by any seller.
Electronic precipitators, not including sales of parts of such equipment by any seller.
Fire alarm thermostats.
High voltage insulation testers or test equipment, not including sales of parts of such equipment by any seller.
Impulse testing equipment including surge generators and cathode ray oscillograph, but not including sales of parts of such equipment by any seller.
Lights, motion picture, Klieg light type, including arc and incandescent lamps and lighting equipment designed solely for use in commercial motion picture production and projection and lighting equipment designed solely for use in commercial still picture production or projection.
Oscillographs, not including sales of parts of such equipment by any seller.
Photoelectric cells, except those with specifications as used in exposure meters for photography.
Poles and standards not including those made principally of wood, for street lighting, overhead trolley lines, flood-lighting and related electrical uses.
Radar assemblies, not including sales of parts of such equipment by any seller.
Terminal and stuffing tubes, marine type (cable accessories).

2. Section 12 (c) is amended by deleting therefrom: "Heat exchangers equipment subject to RMPR 136 for which the manufacturer had no published or established price on October 1, 1941 which is of the shell and tube type and which has a heat transfer area in excess of 100 square feet".

and adding thereto the following list of commodities:

Belt lacing, fasteners, staples and other belting accessories.
Construction Machinery and Equipment subject to RMPR 136 including only the following:
Aerial Tramways.
Barricades, highway.
Boosters, tank car.
Brooms, road, construction, rotary.
Chutes, concrete.
Circulators, asphalt plant.
Dryers, concrete aggregate.
Feeders, aggregate.
Flares, for highway use, not including truck flares and pyrotechnic flares.
Flushers, street.
Forms, road and sidewalk.
Heaters, stone, sand, bitumen.
Heaters for concrete mixers, asphalt, surface and tank car.
Jacks, mud.
Kettles, heating, bituminous.

Construction Machinery and Equipment subject to RMPR 136 including only the following—Continued.
Mortar boxes.
Plants, asphalt, bulk cement, soil stabilizer but not including portable concrete plants.
Pontoons, floating.
Scaffolds and Construction Towers.
Stump pullers.
Sweepers, street.
Wellpoint systems.
Carriers, lumber, power operated.
Charging equipment for coal and gas plants.
Cups, grease, subject to RMPR 136.
Cups, oil, subject to RMPR 136.
Diaphragms, subject to RMPR 136.
Facings, clutch, industrial, subject to RMPR 136.
Gas benches and retorts for gas plants.
Grinders, garbage, power operated, except those designed for domestic purposes.
Heat exchanger equipment, subject to RMPR 136, of the shell and tube type with a heat transfer area in excess of 50 square feet.
Land planes.
Linings, brake, industrial, subject to RMPR 136.
Machine parts, in which perforated metal accounts for 90% or more of the weight of the part.
Mufflers and silencers, industrial, subject to RMPR 136.
Plastics articles subject to MPR 523 as follows:
Berets and other hair ornaments.
Console sets.
Containers, cosmetic.
Holders, candlestick.
Holders, flower.
Holloware, dishes, and other plastic articles for the preparation, service or storage of beverages and food.
Plastic articles designed for decorative uses in households, but not including lamp bases.
Pumps, hand operated including accessories which are integral and functional parts, but not including store fixtures or those covered by MPR 246 (Manufacturers and Wholesale Prices for Farm Equipment).
Spark plugs, industrial, subject to RMPR 136.
Superheaters, industrial and marine.
Tees, box, steel, for use in shoes.
Testers, brake, automative maintenance and servicing.
Towers, bubble and fractionating.
Towers, cooling, metal, subject to RMPR 136.
Washers, automobile, power operated.

3. Section 12 (d) is amended by adding the following list of commodities:

Coils, electrical, fabricated and fabricated coil rewinding supplies for meters, generators, transformers and related equipment covered by this section 12 (d).

4. Section 12 (e) is amended by adding the following to the list of commodities:

Machinery and equipment subject to RMPR 136 when designed for and sold primarily for the commercial or industrial processing or preparation of foods listed below. These processes would include but are not limited to working, hulling, shelling, roasting, pressing, concentrating, grinding, crushing, mixing, sifting, cooking, chopping, slicing, extracting, refining, etc. Farm machinery used in the production or farm processing for market and machinery used for packaging, wrapping, filling, labeling, sealing, and cartoning is not included.
Baking powder, cocoa, chocolate, coffee, flavoring, extracts, spices, tea.
Confectionary products such as candy, candy mixtures, chewing gum, flavored drops.
Macaroni, spaghetti, ravioli.
Nuts, edible.
Popcorn.
Potato chips.
Salt.
Sugar and sugar products including molasses and syrups.
Machinery and equipment subject to RMPR 136 used in the production of rope and cordage, including, but not restricted to:
Ropewalks.
Strand forming machines.
Rope laying machines.
Compound rope machines.
Machinery and equipment, flax scutching, used in the textile industry to convert flax plants to flax fiber including but not restricted to:
Breakers.
Scutchers.
Two unit scutchers (combined breakers and scutchers).

5. Section 12 (h) is amended by adding the following to the list of commodities:

Clipping and shearing machinery, animal, power operated.
Poultry farm equipment, including, but not limited to:
Egg graders and candlers.
Floor and battery brooders.
Fowl catchers.
Growing and laying batteries.
Incubators.
Killing cones.
Laying nests and grit boxes.
Poultry feeders.
Poultry waterers.
Poultry water heaters.

This amendment shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 55 TO SUPPLEMENTARY ORDER NO. 129

This amendment suspends certain types of industrial machinery, and parts of industrial machinery, certain agricultural machinery as well as one inconsequential component of a special type of consumer soft goods. Some or all of the following general considerations apply to the products listed:

(1) Continued control of these items would result in administrative difficulties out of proportion to the contribution to the stabilization program.

(2) As a result of either current ample production of, or restricted demand for the products, there exists no serious possibility of diversion of facilities, manpower or materials from production which is more essential to the effective transition to peacetime economy.

(3) Suspension of control of these products will not impair effective price control with respect to other commodities.

(4) It appears that the price increases to be expected following suspension will be less than the price increases the Office of Price Administration would grant under the applicable price adjustment standards.

Electrical Equipment. The machinery and equipment affected by this action is largely used in special purpose applications. Some of the equipment listed, namely poles and standards, have been suspended from control by Amendment 33 to Supplementary Order 129. Amendment 33 lists a general coverage of street lighting equipment as defined in National Electrical Manufacturers Association Manual, Part IV, dated January 31, 1946 in section 2—SH. A more precise definition is required so that there may be no question as to the scope or coverage of street lighting equipment.

In some cases, complete items have been suspended by this action, but parts of such items when sold by other than manufacturers or resellers of the complete item are not suspended. Components of such items are in some cases adaptable to uses far removed from the use for which the complete item was designed. Suspension of price control from such parts might conceivably lead to diversion which in turn would cause a serious supply and price situation for manufacturers still under control who use such parts. Until the supply-demand situations improves therefor, no action will be taken with respect to decontrol of such parts.

Construction Machinery and Equipment. The machinery and equipment affected by this action is used largely in connection with highway building and maintenance and to a limited extent on large building construction projects. Amendment No. 33 to Revised Maximum Price Regulation 136 issued and effective April 10, 1946, granted an increase of 10% over base period prices to manufacturers of this type of equipment. Since that time, no significant number of individual adjustments have been granted. No increase therefore in the price of this equipment is anticipated beyond that which would occur by adjustment of maximum prices under the standards adopted by the Administrator. It is recognized that other construction machinery and equipment which apparently meet the tests herein indicated are not now suspended from price control. There does exist, however, as to these other items, a shortage of supply in greater degree than that for the items herein listed. This is particularly true of multiple use machinery in this field.

Food Products Machinery. The items suspended include machinery used in the commercial preparation of food items which are of very minor importance in the cost of living. While sugar and sugar products are of importance in living costs, it has been found that sugar and sugar products machinery are in ample supply at this time. Because of shortages of raw materials from which sugar and sugar products are made, the supply of such machinery will be ample for the requirements of the period during which price controls will remain in effect.

Poultry Farm Equipment. Amendment 33 to Supplementary Order 129 suspended from price control certain named items of poultry farm equipment It has been found the supply of all poultry farm equipment is such that the standards enumerated are met. Consequently it has been determined that suspension should apply to all poultry farm equipment

Miscellaneous. The action also suspends from control certain machinery such as lumber carriers, cooling towers, rope and cordage machinery as well as parts of other industrial machinery. The complete machinery items are generally in good supply either because of substantial production during the war

with consequent surpluses of such machinery in the hands of the Government or because excess plant capacity built during the war is available now for a reduced non-war demand. The parts listed are generally inconsequential in their effect on costs of industrial machinery still under control and it has been demonstrated such parts prices will not rise to unreasonable levels. Steel box toes are parts of industrial safety shoes which may be purchased by a workman for use in his vocation. These shoe parts are so small in cost that even a substantial increase in the cost thereof should have no effect on the price of finished industrial safety shoes.

The Administrator will continue to examine the effects of this suspension and a determination will be made at a later date whether some of the items should be recontrolled or whether they will be permanently exempted from price control.

[F. R. Doc. 46-16784; Filed, Sept. 17, 1946; 8:48 a. m.]

PART 1334—SUGAR

[MPR 60[1], Amdt. 4]

DIRECT CONSUMPTION SUGAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 60 is amended in the following respects:

1. Section 2 (a) (1) (ii) is amended to read as follows:

(ii) For sales of fine granulated beet sugar processed in continental United States, $7.50.

2. Section 2 (f) is added to read as follows:

(f) *Additions to applicable maximum prices for sales of direct-consumption cane sugars on and after September 18, 1946*—(1) *Sales by primary distributors who own no cane sugars at the close of business on September 17, 1946.* Any primary distributor who owns no cane sugars at the close of business on September 17, 1946, may add $1.37 per one hundred pounds of direct-consumption raw cane sugar and $1.50 per one hundred pounds of other direct-consumption cane sugars to the applicable maximum prices for direct-consumption cane sugars established by the preceding paragraphs (a), (b), (c) and (e) of this section 2 for sales by him of direct-consumption cane sugars on and after September 18, 1946.

(2) *Sales by primary distributors owning cane sugars at the close of business on September 17, 1946.* Any primary distributor who owns any cane sugars at the close of business on September 17, 1946 may add $1.37 per one hundred pounds of direct-consumption raw cane sugar and $1.50 per one hundred pounds of other direct consumption cane sugars to the applicable maximum prices established by the preceding paragraphs (a), (b), (c) and (e) of this section 2 for sales by him of direct-consumption cane sugars on and after September 18, 1946, upon the condition that he complies with all the pertinent requirements of the following subparagraphs (3) and (4).

(3) *Filing of affidavit.* Each primary distributor owning cane sugars at the close of business on September 17, 1946 shall not later than October 10, 1946 send by registered mail addressed to Commodity Credit Corporation, 150 Broadway, New York 7, New York, an affidavit setting out the following amounts of sugar owned by him at the close of business on September 17, 1946:

(i) The total number of pounds of direct-consumption cane sugar, excluding direct-consumption raw cane sugar;

(ii) The total number of pounds of raw cane sugar (converted to a refined basis) in process of refinement;

(iii) The total number of pounds of raw cane sugar, including diect-consumption raw cane sugar; and

(iv) The total number of pounds of "price adjustment" and "crop-purchase" raw eane sugar as defined under paragraph (1) of the contract between Commodity Credit Corporation and Refiners of Cane Sugar in Continental United States.

(4) *Payment to Commodity Credit Corporation.* Any primary distributor owning direct-consumption cane sugars at the close of business on September 17, 1946, who elects to increase his maximum price on September 18, 1946, shall make a statement to that effect in the affidavit described in subparagraph (3) and shall make payment by check or money order payable to the Commodity Credit Corporation in an amount computed as follows:

(i) The total number of pounds of direct-consumption cane sugar (excluding direct-consumption raw cane sugar) plus the total number of pounds of raw cane sugar (converted to a refined basis) in process of refinement, multiplied by 1.47 cents per pound; plus

(ii) The difference between the total number of pounds of raw cane sugar (including direct-consumption raw cane sugar) and the total number of pounds of "price adjustment" and "crop-purchase" raw cane sugar, multiplied by 1.37 cents per pound.

Payment may be made at the time of filing the affidavit or monthly payments shall be made within 30 days following the close of the calendar month for the amount of such sugar sold during such month, until the full amount due has been paid. The maximum price, in the event of failure to make such payment or payments, shall be the maximum price established under paragraphs (a), (b), (c) and (e) of this section 2.

(5) *Election to sell inventory at lower price.* Any primary distributor owning cane sugars at the close of business on September 17, 1946, may, in lieu of making payment to Commodity Credit Corporation, described in subparagraph (4) above, elect to sell or otherwise dispose of the entire amount of his inventory at or below maximum prices established under paragraphs (a), (b), (c) and (e) of this section 2. Such person shall state in the affidavit described in subparagraph (3), that he elects to sell his inventory at that price. At such time as he has sold an amount equal to his September 17, 1946 inventory, he shall file by registered mail with the Commodity Credit Corporation a final affidavit stating that he has fully complied with the requirements of this subparagraph (5).

After mailing the final affidavit in proper form, such person may increase his maximum prices in the amounts set out in subparagraph (2) of this paragraph (f).

(6) *Election by primary distributors who produce fine granulated cane sugar and who also produce other direct-consumption sugars from mainland sugar cane.* Any person who produces fine granulated cane sugar and also produces other direct consumption sugars from mainland sugar cane may, under subparagraphs (3), (4) and (5) of this section 2 (f), file separate affidavits and make separate elections for his fine granulated cane sugars and for his other direct consumption sugars which he produces from mainland sugar cane.

(7) *Notification to wholesalers and retailers.* Primary distributors shall give the notification required under section 2 (d) of this regulation whenever maximum prices are increased by additions allowed under this paragraph (f).

This amendment shall become effective September 18, 1946.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: September 12, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 3 TO MAXIMUM PRICE REGULATION 16 AND AMENDMENT NO. 4 TO MAXIMUM PRICE REGULATION 60

The accompanying amendments to Maximum Price Regulations Nos. 16 and 60 increase the maximum prices of raw cane sugar 1.37 cents per pound and of direct-consumption sugars 1½ cents per pound. These price increases except in the case of beet sugar are subject to certain recapture provisions when they are applied to stock held in inventory at the effective date of the increase. The provisions of these amendments, with the exception of the amount of the increase and minor clarifying changes, and the reasons therefor, are the same as those in Amendments 2 and 1 to Maximum Price Regulations Nos. 16 and 60, respectively.

Amendment 2 to Maximum Price Regulation 16, issued in February 1946, increased the price for raw cane sugar in order to insure the continued importation of sugar into the United States. At that time the Commodity Credit Corporation made a tentative agreement to purchase the 1946 crop of Cuban sugar at a higher

[1] 10 F. R. 14816; 11 F. R. 1434, 3298, 7036.

price than theretofore paid, representing an increased cost which Commodity Credit Corporation had no legal authority to absorb. It was necessary, therefore, in order to obtain an adequate supply of sugar, to increase the price of raw sugar to reflect the additional cost. On July 16, 1946, the Commodity Credit Corporation announced the completion of the final contract for the purchase of the 1946 Cuban raw sugar crop. Under this contract, the basic price is 3.675 cents per pound f. o. b. Cuba, as previously tentatively agreed upon. However, the contract contains an adjustment clause which had not been contemplated at the time of the February action.

That clause provides that if for any quarter or quarters of the calendar year 1946 the Consumer's Price Index or the Index of Retail Food Prices as published by the Bureau of Labor Statistics exceeds the corresponding index for the last quarter of 1945 by 2% or more, the basic minimum price of one-quarter of the total quantity of raw sugar purchased under the contract must be increased by the same percentage. For each calendar quarter of the year for which there is such an increase in price index, there must be a corresponding increase in price for one-quarter of all the sugar purchased under the contract, without regard to the amount delivered in that calendar quarter or to advances in the price indices for any other calendar quarter. Payment of the total amount due for increases under the adjustment clause is to be made after all the sugar purchased under the contract has been delivered.

During the first quarter of 1946 neither index had advanced by two percent over the last quarter of 1945. However, since that time the Index of Retail Food Prices has advanced considerably. During the second quarter the index was 2.13 percent above the base figure. The reports for July and August indicate that the third quarter figure will be substantially higher.

At the present time more than three-fourths of the 1946 crop has been delivered to Commodity Credit Corporation at 3.675 cents per pound and resold by it to refiners at $4.205 per hundredweight, a selling price which does not cover any additional cost arising from the operation of the adjustment clause. While the Cuban contract makes provision for payment of the adjustment clause increases on sugar already delivered to Commodity Credit Corporation, the Commodity Credit Corporation has no way of passing on such increases on sugar it has already delivered. The Commodity Credit Corporation can be compensated only by increasing its selling price of the balance of the sugar remaining to be delivered. This increase must reflect not only the additional cost of that balance but must also include a factor to cover the additional cost to the Commodity Credit Corporation of the sugar already delivered by it.

The Administrator has examined these facts and has found that an increase of $1.37 per hundredweight will make it possible for the Commodity Credit Corporation to continue to import Cuban raw sugar and resell it without absorbing a loss on its sugar operations.

The results and effects of this action are exactly the same as those which were explained in the Statement of Considerations accompanying Amendments 1 and 2 to Maximum Price Regulations 60 and 16, respectively. The action is necessary to provide as much sugar as possible from Cuba, which supplies 50 percent of our total supply of raw sugar. Since no distinction can be made between Cuban sugar and that produced domestically or in United States territories, the price increase applies to all raw sugar. However, as a result of this increase, subsidy payments to domestic, Hawaiian and Puerto Rican producers will be substantially reduced.

The amendment to Maximum Price Regulation 60, increasing the prices of direct-consumption sugars, is also a direct result of this action. A survey of the sugar refining industry indicated that no increase in raw sugar costs can be absorbed under the minimum standards of the law. Therefore, this action increases the prices of direct-consumption sugars $1.50 per hundred pounds, which is the equivalent of the increased cost of raw sugar.

The recapture provisions are the same as those contained in Amendments 1 and 2 to Maximum Price Regulations 60 and 16, respectively, and have been included for the same reasons as set forth in the Statement of Considerations for those amendments, the applicable portions of which are incorporated herein by reference.

In addition, the amendment to Maximum Price Regulation 16 revokes section 8 (d) but maintains the .455 of a cent per pound increase in maximum prices for raw cane sugars established in February 1946 by that section by amending sections 8 (a) and 8 (b) so that the maximum prices listed in those sections now read 4.205 cents per pound instead of 3.75 cents per pound as heretofore. This action simplifies the regulation and is possible at this time because a survey has shown that sellers of raw cane sugars have disposed of their February 9, 1946 inventories of raw cane sugar. The recapture provisions were originally included to prevent windfalls from accruing to owners of such inventories.

Section 8 (c) of Maximum Price Regulation 16 has been amended so that the adjustment for polarization required by that section applies not only to maximum prices as heretofore, but also to any increases in maximum prices which may be established by the regulation. This action was taken to maintain the historical price differential between raw cane sugars of different degrees of polarization. Under section 8 (c) as it now reads, the 1.37 cents per pound increase established by the accompanying amendment must be adjusted upwards or downwards for each degree (or fraction of a degree) of polarization above or below 96 degrees.

In the opinion of the Price Administrator, the action taken by the accompanying amendments is generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651 and 9697.

[F. R. Doc. 46-16788; Filed, Sept. 17, 1946; 8:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 72]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 53 is amended in the following respects:

1. The Table in section 9.2 is amended by changing the prices of castor oil as follows:

	New York		Pacific coast and ports		Gulf ports	
	Tank cars	Drums, carlots	Tank cars	Drums, carlots	Tank cars	Drums, carlots
Castor oil:						
No. 1	19.50	----	19.95	----	----	----
No. 3	19.20	----	19.65	----	----	----
Dehydrated bodies	26.39	----	----	----	----	----

2. Subparagraph (1) of section 9.2 (f) is amended to read as follows:

(1) Except as hereinafter provided no person in the course of trade or business shall import (buy, receive, or in any manner pay for and bring in, deliver or cause to be brought into the continental United States) castor beans or castor oil at prices higher that the following:

(i) $165.00 per long ton (2,240 pounds) of castor beans c. i. f. first United States point or port of arrival, Atlantic or Gulf coasts.

(ii) $167.18 per long ton (2,240 pounds of castor beans, c. i. f. first United States point or port of arrival, Pacific Coast.

(iii) 16.35 cents per pound c. i. f. first United States point or port of arrival for No. 1 castor oil.

(iv) 16.05 cents per pound c. i. f. first United States point or port of arrival for No. 3 castor oil.

This amendment shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 72 TO MAXIMUM PRICE REGULATION NO. 53

The accompanying amendment increases the price of castor beans imported into the United States from $118.00 to $165.00 per long ton c. i. f., first United States point or port of arrival, Atlantic or Gulf Coasts, and from $120.18 to 167.18 for Pacific Coast ports. This increase necessitates an addition of 5.2 cents per pound for the No. 1 and No. 3 grades of castor oil in New York, with an appro-

priate differential for Pacific Coast ports, and 7.04 cents per pound for dehydrated bodied castor oil.

The same considerations which prompted the price increase granted by amendment 56, on February 13, 1946, necessitate the present action. The price of castor beans in Brazil has continued to rise until it has now reached the level of $142.00 per long ton which results in a cost of around $165 to United States importers, c. i. f. Since this commodity is essential in the manufacture of many important industrial products, it is necessary to increase the ceiling price in order to assure available supplies and to aid in the production of a large variety of industrial products. Castor oil represents only a small part of the cost of manufacture of any of the articles in which it is used, and the higher ceiling fixed by this amendment will not result in any increase in the cost of living.

[F. R. Doc. 46-16787; Filed, Sept. 17, 1946; 8:52 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d Rev. MPR 270, Amdt. 16]

DRY EDIBLE BEANS AND CERTAIN OTHER DRY FOOD COMMODITIES

Correction

In Federal Register Document 46-16322, appearing on page 10032 of the issue for Wednesday, September 11, 1946, the first sentence of section 1 (a) should read as follows: "This regulation covers the kinds and varieties of dry edible beans and dry whole and split peas that are specifically named herein."

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] Amdt. 36]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Section 22b is amended to read as follows:

SEC. 22b. *Special rules for figuring ceiling prices for "sugar" after September 18, 1946.* At the close of business on September 18, 1946, you must determine the number of pounds of each item of "sugar" that you own at that time. You must make and keep a record of that inventory at your place of business. Do not include "sugar" which you obtained as an industrial user under 3d Revised Ration Order 3 issued by the Office of Price Administration. After that date and regardless of whether you received a delivery of an item accompanied by a notice from your supplier to refigure your ceiling price, you must continue to sell each item of "sugar" at no more than your ceiling price for the item in effect on September 18, 1946 until you have sold an amount equal to your inventory of that date. When you have sold that amount you shall refigure your ceiling price for the item in accordance with the rules in section 6.

This amendment shall become effective 12:01 a. m. September 18, 1946.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 36 TO MAXIMUM PRICE REGULATION 421, AMENDMENT 79 TO MAXIMUM PRICE REGULATION 422, AND AMENDMENT 75 TO MAXIMUM PRICE REGULATION 423

This action is taken for the same reasons underlying Amendments No. 30 to MPR 421, 69 to MPR 422 and 66 to MPR 423. Reference is made to the statement of considerations accompanying those amendments for full particulars. An increase in sugar prices for producers and refiners is passed on in the same manner as it was passed on last February. In order to minimize the possibilities of undue windfall profits, wholesalers and retailers will again be required to take inventory and sell out an amount equal to the inventory before they may take advantage of the increase in their suppliers' maximum prices.

Contrary to the former action, it will not be necessary for wholesalers and retailers to file affidavits showing the amount of sugar on hand at the time of taking inventory. This has been eliminated as being of more burden than value.

[F. R. Doc. 46-16782 ;Filed, Sept. 17, 1946; 8:46 a. m.]

[1] 11 F. R. 6081, 8968, 9684.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Amdt. 79]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Section 25f is amended to read as follows:

SEC. 25f. *Ceiling prices for sales of "sugar" after September 18, 1946.* At the close of business on September 18, 1946, you must determine the number of pounds of each item of "sugar" that you own at that time. You must make and keep a record of that inventory at your place of business. Do not include "sugar" which you obtained as an industrial user under 3d Revised Ration Order 3 issued by the Office of Price Administration. After that date and regardless of whether you received a delivery of an item accompanied by a notice from your supplier to refigure your ceiling price, you must continue to sell that item of "sugar" at no more than your ceiling price for the item in effect on September 18, 1946 until you have sold an amount equal to your inventory of that date. When you have sold that amount you shall refigure your ceiling price for the item in accordance with the rules in section 6.

This amendment shall become effective 12:01 a. m. September 18, 1946.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 36 TO MAXIMUM PRICE REGULATION 421, AMENDMENT 79 TO MAXIMUM PRICE REGULATION 422, AND AMENDMENT 75 TO MAXIMUM PRICE REGULATION 423

This action is taken for the same reasons underlying Amendments No. 30 to MPR 421, 69 to MPR 422 and 66 to MPR 423. Reference is made to the statement of considerations accompanying those amendments for full particulars. An increase in sugar prices for producers and refiners is passed on in the same manner as it was passed on last February. In order to minimize the possibilities of undue windfall profits, wholesalers and retailers will again be required to take inventory and sell out an amount equal to the inventory before they may take advantage of the increase in their suppliers' maximum prices.

Contrary to the former action, it will not be necessary for wholesalers and retailers to file affidavit showing the amount of sugar on hand at the time of taking inventory. This has been eliminated as being of more burden than value.

[F. R. Doc. 46-16789; Filed, Sept. 17, 1946; 8:55 a. m.]

[1] 11 F. R. 6397, 6763, 8968, 9697.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Amdt. 75]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

Section 18 (f) is amended to read as follows:

(f) *Ceiling prices for sales of "sugar" after September 18, 1946.* At the close of business on September 18, 1946, you must determine the number of pounds of each item of "sugar" that you own at that time. You must make and keep a record of that inventory at your place of business. Do not include "sugar' which you obtained as an industrial user under 3d Revised Ration Order 3 issued by the Office of Price Administration. After that date and regardless of whether you received a delivery of an item accompanied by a notice from your supplier to refigure your ceiling price, you must continue to sell each item of "sugar" at no more than your ceiling price for the item in effect on September 18, 1946 until

[1] 11 F. R. 6420, 6764, 8968, 9685.

you have sold an amount equal to your inventory of that date. When you have sold that amount you shall refigure your ceiling price for the item in accordance with the rules in section 6.

This amendment shall become effective 12:01 a. m., September 18, 1946.

NOTE: The record-keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 36 TO MAXIMUM PRICE REGULATION 421, AMENDMENT 79 TO MAXIMUM PRICE REGULATION 422, AND AMENDMENT 75 TO MAXIMUM PRICE REGULATION 423

This action is taken for the same reasons underlying Amendments No. 30 to MPR 421, 69 to MPR 422 and 66 to MPR 423. Reference is made to the statement of considerations accompanying those amendments for full particulars. An increase in sugar prices for producers and refiners is passed on in the same manner as it was passed on last February. In order to minimize the possibilities of undue windfall profits, wholesalers and retailers will again be required to take inventory and sell out an amount equal to the inventory before they may take advantage of the increase in their suppliers' maximum prices.

Contrary to the former action, it will not be necessary for wholesalers and retailers to file affidavit showing the amount of sugar on hand at the time of taking inventory. This has been eliminated as being of more burden than value.

[F. R. Doc. 46-16790; Filed, Sept. 17, 1946; 8:55 a. m.]

PART 1365—HOUSEHOLD FURNITURE

[MPR 548, Amdt. 10]

METAL UPHOLSTERY SPRINGS, CONSTRUCTIONS AND ACCESSORIES

A statement of considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 548 is amended in the following respects:

1. Section 4 is amended by adding the letter (a) after the words "SEC. 4".

2. Section 4 is further amended by adding a new paragraph (b) to read as follows:

(b) *Adjusted ceiling prices for sales by manufacturers of specified items of metal upholstery springs, constructions and accessories.* (1) Manufacturers' ceiling prices established under paragraph (a) of this section may be increased by 3.5 percent.

(2) Before selling, offering for sale or delivering any article for which the ceiling price has been adjusted under paragraph (b) (1) of this Section, the manufacturer shall file with the Consumer Durable Goods Price Branch of the Office of Price Administration, Washington, D. C., a report setting forth the following:

(i) Specifications of the article for which the ceiling price has been adjusted under paragraph (b) (1) of this section.

(ii) The adjusted ceiling price for the article determined under paragraph (b) (1) of this section.

3. Section 11a which was added by Amendment 5, issued April 25, 1946, is hereby revoked.

4. Section 11b which was added by Amendment 6, issued April 25, 1946, is hereby revoked.

5. A new Section 12 is added to read as follows:

SEC. 12. *Adjustment of certain ceiling prices.* If, before April 25, 1946, a manufacturer's ceiling prices were established under sections 5, 6 or 11 of this regulation, or under Order 1849 under Maximum Price Regulation No. 188, for sales of any article which is not listed in section 4 of this regulation, the manufacturer shall compute new ceiling prices for his sales of that article as follows:

(a) He shall determine the weight of the wire in the article.

(b) He shall determine the weight of the angles, flats and strips in the article.

(c) He shall add to the ceiling price established under sections 5, 6 or 11, the increase in his steel cost figured at $19.00 per ton in the case of No. 12 gauge high carbon wire or heavier, $21.00 per ton in the case of No. 13 gauge high carbon wire or lighter, and $7.00 per ton in the case of angles, flats and strips.

(d) He may increase by 3.5 percent the amount calculated under paragraph (c) above.

The new maximum prices so computed shall be reported by the manufacturer to the Office of Price Administration, Washington, D. C., before he first offers the article for sale at a price higher than the maximum price previously established for the article under sections 5, 6 or 11 of this regulation. If the reported maximum price is incorrectly calculated, the Office of Price Administration may issue an order establishing the correct maximum price for the manufacturers' sales of the article.

6. A new section 13 is added to read as follows:

SEC. 13. *Interim pricing adjustment.* With respect to articles covered by this regulation which the manufacturer has sold from April 30, 1946 to September 17, 1946, and which were invoiced to purchasers with a notification that such articles were sold subject to such upward adjustment as the Price Administrator may authorize to compensate for increases in basic wage rate schedules, the manufacturer may bill such purchasers retroactively for those sales in an amount which is no higher than 3.5 percent of the ceiling price of the article so sold and invoiced. The bill for such retroactive charge shall state the deliveries to which they apply and that the charge is made pursuant to Amendment No. 10 to Maximum Price Regulation No. 548.

7. Sections 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 are redesignated sections 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 respectively.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment is effective on the 23d day of September 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 10 TO MAXIMUM PRICE REGULATION NO. 548

The accompanying amendment to Maximum Price Regulation No. 548 grants an additional increase of 3.5 percent which may be added to the maximum prices established by Amendment 5 to Maximum Price Regulation No. 548, for manufacturers' sales of metal upholstery springs, constructions and accessories.

The statement of considerations accompanying Amendment 5 to Maximum Price Regulation No. 548 sets forth in detail the justification for increases in ceiling prices for certain reconversion industries to reflect increases in labor and material costs. That statement also outlines in detail the justification for treating metal upholstery springs, constructions and accessories as reconversion products. The pertinent portions of that statement are, therefore, incorporated herein by reference.

As set forth in the Statement of Considerations accompany Amendment 5 to Maximum Price Regulation No. 548, the increase in maximum prices granted by that amendment was in an amount sufficient to cover increases in basic steel costs, packing costs and other minor cost increases which were determined at that time. Since a further study was required to determine the appropriate factor for increases in the industry's basic wage rate schedules, the Administrator deemed it expedient to permit retroactive billing for sales and deliveries of the articles covered by the regulation, from April 30, 1946 to the date of the Administrator's issuance of the additional increase factor to reflect increases in basic wage rate schedules.

The accompanying amendment provided for a revocation of Sections 11a and 11b, which sections were added to the regulation by Amendment 5 and 6 respectively. The provisions of Section 11a which granted the increase in steel and other costs, are set forth in a new section 12 by the accompanying amendment. The provisions of Section 11b are no longer required since they provided for retroactive billing for the increase in wage rate schedules which the accompanying amendment now specifically grants.

In arriving at the increase factor granted by the Amendment, the Administrator relied on the wage information available from a sample of firms in the industry. These companies account for approximately 60 percent of the industry sales volume in 1941. The Administrator has determined that the sample of the industry used in this study is repre-

sentative. An examination was made of the wage increases of the sample firms with a view to determining their effect on wage costs. The percentage increases since 1941 vary substantially from firm to firm, ranging from 36.5 to 85.8 percent. The Administrator has determined that no wage increase pattern has been established. Therefore, a weighted average of the increases since October 1941 was determined. This was calculated to be 67.8 percent. Since an increase factor of 50 percent over October 1941 wage costs was included in the prices originally established by Maximum Price Regulation 548, an increase of an additional 12 percent over current prices is now being recognized. On the basis of this increased cost factor the application of the reconversion formula to the consolidated profit and loss statement has resulted in a price increase of 3.5 percent.

In computing their maximum prices resellers continue to apply to their costs the mark-ups provided in Maximum Price Regulation 548. Since these mark-ups were those in effect on March 31, 1946, the action is in conformity with Section 2 (t) of the Emergency Price Control Act of 1942, as amended which provides that the Price Administrator in establishing maximum prices applicable to wholesale and retail distributors, shall allow them the average percentage mark-ups they received on March 31, 1946.

The Administrator has advised and consulted with representative members of the industry and has given consideration to their recommendations.

All provisions of this amendment and their effect upon business practices, cost practices, or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids, or methods established in the industry or industries affected have been included in the amendment unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of the regulation or of the act. To the extent that the provisions of this amendment compel or may operate to compel changes in business practices, cost practices or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this regulation or of the Emergency Price Control Act of 1942, as amended.

The increase granted by the accompanying amendment is consistent with the provisions of Executive Order 9697, and with the provisions of the Price Control Extension Act of 1946, as amended.

[F. R. Doc. 46-16904; Filed, Sept. 17, 1946; 11:07 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPR 136, Amdt. 53]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneouly herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended in the following respects:

1. Section 19 (k) is revoked.

This amendment shall become effective September 17, 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT NO. 53 TO REVISED MAXIMUM PRICE REGULATION 136

By contemporaneous action, the adjustment of maximum prices of construction and road maintenance machinery and equipment is being fixed by an industry-wide order under Revised Maximum Price Regulation 136 and Section 19 (k) is accordingly revoked.

[F. R. Doc. 46-16900; Filed, Sept. 17, 1946; 11:05 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 518, Amdt. 13]

ROUGH RICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 518 is amended in the following respects:

1. The table in section 4 (a) is amended to read as follows:

Varieties (or class)[1]	Maximum price	
	Per barrel	Per bushel
Rexoro	$8.30	$2.306
Texas Patna	8.30	2.306
Bluebonnet	8.30	2.306
Java, long	8.30	2.306
Nira	8.00	2.222
Fortuna	7.40	2.056
Edith	7.40	2.056
Blue Rose	7.15	1.986
Kamrose	7.15	1.986
Magnolia	7.15	1.986
Southern Pearl	7.15	1.986
Lady Wright	7.00	1.945
Zenith	7.15	1.986
Early Prolific	6.60	1.834
Prelude	7.10	1.972
Ark-Rose	7.15	1.986
All other varieties	6.60	1.834
Mixed rough rice	(1)	(1)

[1] Multiply the percentage of each variety contained in the mixture by its respective maximum price as above set forth and total the results.

2. The table in section 5 (a) (1) is amended to read as follows:

Varieties:	*Maximum price for base quality per 100 lbs.*
California Pearl	$4.19
Calady	4.26
Blue Rose	4.19
Rexoro	4.82
Nira	4.82
All other varieties	4.19
Mixed rough rice	(1)

[1] Multiply the percentage of each variety contained in the mixture by its respective maximum price as above set forth and total the results.

This amendment shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: September 12, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 13 TO MAXIMUM PRICE REGULATION 518

The accompanying amendment increases maximum prices of rough rice by $1.00 per barrel. In California where maximum prices are established on a hundred pound basis, this results in an increase of 62 cents per one hundred pounds.

This increase is being made pursuant to a directive issued by the Secretary of Agriculture under Section 1A (e) (2) (A) of the Emergency Price Control Act of 1942, as amended, which provides that whenever the Secretary of Agriculture determines that maximum prices applicable to any agricultural commodity which is in short supply are impeding the necessary production of such commodity, he may recommend to the Price Administrator such adjustments as he determines to be necessary to attain the necessary production of such commodity. The Act further provides that, within ten days after receipt of any such recommendation, the Price Administrator shall adjust maximum prices in accordance with such recommendation.

In the opinion of the Administrator, the accompanying amendment is generally fair and equitable and complies with all other requirements of the Emergency Price Control Act of 1942, the Stabilization Act of 1942, both as amended, and all applicable Executive Orders.

[F. R. Doc. 46-16791; Filed, Sept. 17, 1946; 8:57 a. m.]

PART 1499—SERVICES AND COMMODITIES

[RMPR 165, Amdt. 11 to Rev. Supp. Service Reg. 50]

AUTOMOBILE PARKING

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Service Regulation 50 is amended in the following respect:

A new subparagraph (12) is added to § 1499.648 (c) to read as follows:

(12) The Regional Administrator for Region IV, and any District Director authorized to act by the Regional Administrator having jurisdiction over his district, may issue general area orders establishing maximum prices for the service of automobile parking in the Atlanta Region. Orders under this subparagraph (12) (and any change in, or revocation of such orders) by Regional Administrators or District Directors must be cleared with the Service Trades Branch, OPA, Washington, D. C., before issuance.

This amendment shall become effective September 23, 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 11 TO RSSR 50 TO RMPR 165

Receipt of numerous applications for individual price adjustments from establishments offering the service of automobile parking in the Atlanta Region, has indicated that general price increases may be needed. To avoid the administrative difficulty of processing individual applications, the accompanying amendment confers authority upon the Regional Administrator of Region IV to issue general pricing orders in the Atlanta Region.

[F. R. Doc. 46-16902; Filed, Sept. 17, 1946; 11:06 a. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 586, Amdt. 8 to Supp. Storage Reg. 1 (§ 1499.690)]

COLD STORAGE OF APPLES AND RELATED COMMODITIES IN CERTAIN STATES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 6 is amended to read as follows:

SEC. 6. *Cold Storage of apples, pears, onions and carrots in Maryland, New York, Pennsylvania, Virginia and West Virginia*—(a) *Maximum prices.* Maximum prices for the cold storage of apples, pears, onions and carrots, including handling in and out of warehouse, in the States of Maryland, New York, Pennsylvania, Virginia and West Virginia shall be determined under section 5 of Maximum Price Regulation 586, except that any seller in any one of these States whose maximum price under said section 5 is less than 25 cents per season per bushel basket, bushel box, bushel crate, or bushel bag, or is less than 65 cents per season per barrel, may charge and collect for such storage and handling services 25 cents per season per bushel basket, bushel box, bushel crate, or bushel bag and 65 cents per season per barrel: *Provided, however,* That any such seller whose charges during the 1941–42 season were quoted on a per-month as well as on a per-season basis may charge, in addition to his maximum charge under section 5 of Maximum Price Regulation 586, for the first month's storage, an amount equal to the increase in his per-season charge authorized by this section.

(b) *Definition.* As used in this section, the term "season" means, as to each seller, a period corresponding to that to which the 1941–42 seasonal rates of such seller were applicable.

This amendment shall be effective September 23, 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 8 TO SUPPLEMENTARY STORAGE REGULATION 1 UNDER MAXIMUM PRICE REGULATION 586

This amendment permits cold storage warehouses in the States of Maryland, New York, Pennsylvania, Virginia and West Virginia whose maximum rates for apple storage heretofore were set at 20 cents per bushel per season [1] to increase that rate to 25 cents. A corresponding increase is made in the per-barrel rates. The new rates are made applicable also to pears, onions, and carrots, which customarily are stored on the same basis as apples. By Order No. 6 under Section 7 of MPR 586, issued simultaneously herewith, provision is made for consistent adjustment of rates on certain other fruits and vegetables which are generally related to the apple rates.

There are nearly two hundred cold storage warehouses located in the so-called Appalachian apple producing area whose primary function is the storage of apples. These "apple houses" for the most part are small country-point establishments. Under usual industry practice, apples are stored on a season rate which includes handling into warehouse, storage from the time the apples are picked in September or October until the first of April or the first of May, and handling out. These cold storages as a rule also handle other local crops which are stored under substantially the same terms, conditions and rates as apples. Onions, pears, and carrots frequently are handled on a par with apples, but variations are made in respect of other products. While Amendment 30 applied only to apples, the basis therein established has been extended by orders in individual adjustment cases to apply also to the other fruits and vegetables specifically mentioned.

On August 1, 1946, a committee representing operators of apple houses in the Appalachian area conferred with members of the staff of this Office, requesting an increase of 5 cents per bushel per season, with corresponding increases in rates for barrels, and in short-hold and other types of rates where such rates are used. It was stated that the prevailing rates for this type of storage were unremunerative. "Apple houses" which have been able to maintain relatively good over-all profit positions are said to have done so only by engaging to an extraordinary extent in the storage of other cooler commodities on a carload basis for various Government agencies—which business has been drastically reduced—by operating freezer space for local products and storing miscellaneous commodities, both cooler and freezer, for local distribution, and by various activities connected with the marketing of fresh fruits and vegetables and handling supplies for their production and packing.

Eighteen concerns, considered representative of the industry, were requested through the committee to furnish the information required under Section 8 of MPR 586. Most of these concerns had already furnished a substantial part of this information in connection with prior adjustment applications, and needed only to furnish current figures. Although letters outlining the requirements were sent on August 7, 1946, by August 30 information had been received from but seven of the eighteen concerns. This information is insufficient as a sample of the financial position of all the warehousemen involved, and there is no prospect of obtaining adequate financial or cost data within a reasonable time, due principally to the facts, beforementioned, that most of the concerns are quite small and do not maintain adequate records, and that most of them are also engaged in other activities to such an extent that a clear presentation of costs and returns allocable to apple storage would be impossible within practicable limitations of time. The time factor is of particular importance because practically all of the apples in this area are picked and stored during September and October.

Members of the apple producing and distributing groups which constitute the principal patrons of the apple houses have manifested concern over the storage rate situation and urge that the level of cold storage rates be made high enough to insure adequate service. Leading research groups in the industry and various state agencies recently have emphasized to growers and marketers the extreme importance of getting apples into storage promptly, and in maintaining the correct refrigeration at various periods. Their investigations show that any delay in placing the apples into storage will have serious consequences in the life of the apple and its quality and value when it is sold to the ultimate consumer. As a result, the consensus of the industry generally is that growers will be more conscious of the need for getting their apples into storage promptly than has been the case in past seasons, and will demand a very high standard of service from the cold storage warehousemen.

Peak season conditions ordinarily call for a considerable amount of overtime activity on the part of the warehousemen, and this is expected to be increased this season by the stress being placed on prompt storage and expert handling, just mentioned. From the warehousemen's standpoint, these difficulties are most seriously aggravated by the fact that many of them will be paying higher wage rates and most particularly must pay greatly increased differentials for overtime. It is, of course, impossible to determine with precision the extent thereof, but it is reasonably clear that the warehousemen will be faced with some real cost increases on their apple storage this season.

All things considered, the Administrator is of the opinion that the rates provided for by this amendment are fair and equitable and are necessary to provide for continuance of storage services to meet the needs of growers, distributors, and consumers of the important food commodities here involved.

[F. R. Doc. 46-16907; Filed, Sept. 17, 1946; 11:08 a. m.]

[1] Amendment 30 to Supplementary Storage Regulation 14 under the General Maximum Price Regulation issued and effective September 1, 1942, later incorporated as Section 6 or SSTR 1.

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 24]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN CHEMICALS, DRUGS AND PAINTS

A statement of considerations accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14F is amended in the following respect: Section 10 (f) (1) is amended to read as follows:

(1) *Manufacturers:* $0.163 per gallon.

This Amendment No. 24 shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF CONSIDERATIONS ACCOMPANYING AMENDMENT NO. 24 TO SUPPLEMENTARY REGULATION 14F

The accompanying Amendment permits an additional increase of 9.9 cents per gallon in the maximum prices for linseed replacement oil, over and above the increase of 6.4 cents per gallon previously granted by Amendment 20 to Supplementary Regulation 14F, effective August 19, 1946. This results in a total increase of 16.3 cents per gallon over the maximum prices for this commodity originally established in Supplementary Regulation 14F.

This Action is deemed appropriate by virtue of an Amendment to Maximum Price Regulation 53 which is being issued simultaneously herewith. The compelling factors which prompted the Administrator to take the linseed oil action and the action on linseed replacement oil in Amendment 20 to Supplementary Regulation 14F are equally applicable in this instance and the Statements of Consideration accompanying both actions are, therefore, incorporated herein by reference.

Due to the high content of linseed oil in linseed replacement oil it appears that an increase of 2 cents per pound of linseed oil would substantially eliminate profit margins of linseed replacement oil manufacturers and would threaten continued production of that product.

The Amendment to Maximum Price Regulation 53, which is being issued simultaneously herewith, permits linseed oil manufacturers to increase their existing maximum prices of linseed oil by 2 cents per pound. The average quantity of linseed oil contained in a gallon of linseed replacement oil is 4.958 lbs.; the increase of 9.9 cents per gallon of linseed replacement oil, as permitted by the accompanying Amendment, represents a pass-through of the actual linseed oil increase. 16.3 cents represents the increase of 6.4 cents permitted linseed replacement oil in Amendment 20 to Supplementary Regulation 14F plus the presently permitted increase of 9.9 cents.

In view of the above considerations, the Price Administrator finds that this Amendment is necessary and proper and is consistent with the purposes and standards of the Emergency Price Control Act of 1942, as amended, and the Executive Orders of the President.

[F. R. Doc. 46-16783; Filed, Sept. 17, 1946; 8:47 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 53, Amdt. 71]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 53 is amended as follows:

1. The table of prices in section 7.1 (a) is amended to read as follows:

(a) *Raw linseed oil and linseed oil products, delivered in Zone 1.* Linseed oil and linseed oil products, in tank cars, delivered in Zone 1, as follows:

	Color	Acid value	Iodine value	Sapon. value	Spec. gravity	Viscosity	Cents per pound
Linseed oil	11-13	4 max	170-190	188-196	0.931-0.935	A	17.8
GRINDING OILS							
Raw plus 10 percent bodied oil	10-13	2-4	165-187	189-198	.934-.937	A-B	17.8
Containing organic superoxide	9-11	1-4	170-190	188-196	.931-.936	A	18.3
Semi-refined and bleached varnish and grinding oil	4-8	2-5	170-190	188-196	.931-.935	A	18.8
Mechanically refined grinding oil (no chemicals used)	4-7	1-4	170-190	188-196	.931-.935	A	18.8
Mechanically refined plus 10 percent polymerized oil	6-7	2-5	165-180	192-206	.934-.944	C-D	18.8
Alkali refined grinding oil	5-7	2-4	170-190	188-196	.931-.935	A	18.8
Acid refined grinding oil	5-6	3-6	170-190	188-196	.931-.935	A	18.8
Acid refined grinding oil	5-7	8-12	170-190	188-196	.930-.935	A	18.8
Acid refined grinding oil	5-7	12-16	170-190	188-196	.930-.935	A	18.8
VARNISH OILS							
Dispersed-brera oil	10-14	2-9	170-190	188-196	.931-.935	A	18.3
Semi-refined varnish and grinding	10-14	2-5	170-190	188-196	.931-.935	A	18.3
Alkali refined, not refrigerated	4-7	1.5-3	170-190	188-196	.931-.935	A	18.8
Alkali refined, not refrigerated	4-7	0-0.6	170-190	188-196	.931-.935	A	18.8
Alkali refined, neutral refrigerated	5-6	0-0.3	170-190	188-196	.931-.934	A	19.0
Alkali refined, neutral refrigerated catalyst	5-6	0-0.4	170-190	188-196	.931-.935	A	19.0
Alkali refined, refrigerated	5-6	2-4	170-190	188-196	.931-.935	A	19.0
Bleached cold pressed	4-6	0.5-2.0	170-190	188-196	.931-.935	A	19.0
Alkali refined, slightly oxidized	5-6	1.5-4.0	168-185	190-202	.944-.950	C-E	19.0
Slightly oxidized raw	7-10	2-6	160-178	194-200	.948-.955	C-E	18.1
Semi-oxidized oil	9-12	4-6	165-175	192-196	.940-.945	B-D	18.2
BOILED OILS							
Raw driers bodied oil	11-13	3-6	165-190	188-196	.934-.941	B	18.2
Old style boiled	12-18	5-7.5	165-185	189-196	.935-.942	B-C	18.2
Slightly oxidized raw driers	12-18	3-7	165-185	189-196	.936-.941	B	18.4
Raw Cobalt drier	13-16	3-6	168-190	188-196	.931-.940	A	18.6
Acid refined driers	6-9	6-8	170-185	188-196	.931-.934	A	19.0
Mechanically refined driers	5-8	2.5-5	165-190	188-196	.931-.938	A	19.0
Partially oxidized acid refined-driers	5-8	4-6	166-185	188-196	.933-.938	A	19.0
OXIDIZED OILS							
X-Z2 oxidized with and without driers	8-13	4-8	115-155	205-230	.970-.998	X-Z2	18.3
Z2-Z3 oxidized with and without driers	7-11	4-8	115-140	210-230	.980-.996	Z2-Z3	18.6
Z1-Z3 oxidized acid refined	6-8	4-12	115-140	210-230	.994-.996	Z1-Z3	18.9
Polymerized-oxidized	7-9	5-8	120-135	200-210	.994-.996	Z2-Z3	19.3
POLYMERIZED OIL							
Polymerized high acid	3-7	12-22	115-150	190-196	.948-.971	Q-Z1	21.8
Polymerized low acid	3-7	1-3	115-160	190-196	.950-.975	{[Poises] [120-1000]}	23.8
FATTY ACID							
Linseed fatty acids	16-14	180-198	175-190	194-200	.906-.914	A	20.5
Distilled linseed fatty acids	2-4	194-205	175-195	194-208	.906-.913	A	22.8
MISCELLANEOUS							
Sulphur chloride treated+50% thinner	6-8	2-4	60-70	122-132	.878-.884	A	18.8
Sulphur chloride treated+70% thinner	77-9	4-7	110-120	200-210	.980-.984	Z-Z2	20.3
Alkali refined edible oil base	11 max.	0-.3	170-190	188-196	.931-.935	A	18.8
Spencer Kellogg & Sons, Inc. Linseed Oil Replacement Raw, 40%-50% polymerized linseed oil+60%-50% raw linseed oil.	8-10	4-8	140-160	190-196	.940-.960	N-p	21.0
Spencer Kellogg & Sons, Inc. Linseed Oil Replacement Boiled, 40%-50%, polymerized linseed oil+50% raw linseed oil driers.	8-12	4-8	140-160	190-196	.940-.960	N-P	20.8

This amendment shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 71 TO MAXIMUM PRICE REGULATION NO. 53

The accompanying amendment increases linseed oil ceilings by 2 cents per pound. Amendment 10 to Maximum Price Regulation No. 397 increased the price of flaxseed by 65 cents a bushel at Minneapolis, to comply with a formal recommendation made by the Secretary of Agriculture under Section 1 A (e) (2) (A) of the Emergency Price Control Act of 1942, as amended.

The present increase in linseed oil prices, which was also recommended by the Secretary of Agriculture, will completely compensate flaxseed crushers to the extent of the 65 cents increase in the cost of flaxseed. Heretofore, an increase of 1.3 cents per pound in linseed oil prices

compensated for an expected 25 cents per bushel increase in the price of flaxseed. This increase was intended to replace a terminated 25¢ per bushel subsidy payment on flaxseed and was to have been made effective by July 1. However, the lapse in price control on flaxseed from July 1 until September 9 made it impossible to effectuate this increase. The aforementioned action raising flaxseed by 65 cents per bushel included this contemplated 25 cents increase which has already been compensated for in linseed oil prices. Hence the accompanying increase of 2 cents per pound on linseed oil together with this previous linseed oil increase fully compensates flaxseed crushers for the 65 cents increase in the ceiling prices of flaxseed.

To require any absorption of a substantial amount of this increased cost to the linseed oil processor would discourage production of these oils and oil products which are essential in manufacturing paints, varnishes, linoleum and other products. Accordingly, this action is necessary under Title III of E. O. 9599 to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy.

The accompanying amendment also increases the ceilings on imported linseed oil by the same amount as the increase in the ceilings on domestic linseed oil.

[F. R. Doc. 46-16786; Filed, Sept. 17, 1946; 8:50 a. m.]

PART 1334—SUGAR

[MPR 16,[1] Amdt. 3]

RAW CANE SUGAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 16 is amended in the following respects:

1. Section 8 (a) (1) (i) is amended to read as follows:

(i) The maximum price per pound for raw cane sugars from off-shore producing areas of 96 degrees polarization, duty paid, cost, insurance and freight, shall be 4.205 cents, for delivery at points at which deliveries have customarily been made by Commodity Credit Corporation for a particular refinery, or, if such deliveries have not customarily been made by Commodity Credit Corporation, then at receiving scales located at the refinery port.

2. Section 8 (b) (1) is amended to read as follows:

(1) 4.205 cents per pound, f. o. b. conveyance for delivery to a refinery, less the per pound transportation charge at the published freight rate from the raw sugar mill to the refinery nearest freightwise to such raw sugar mill. The maximum delivered price to a refinery shall be the above f. o. b. price plus actual transportation cost from the selling raw sugar mill to the refinery processing such sugar.

3. Section 8 (c) is amended to read as follows:

(c) *Adjustment for polarization.* Maximum prices and any increases to maximum prices established for raw cane sugars of 96 degrees polarization established by this section 8 shall be adjusted for raw cane sugars of each other test by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) so that the adjusted maximum prices and increases shall not exceed the figures resulting from applying the method customarily used prior to August 14, 1941 for establishing the price differential between raw cane sugars of like test and raw cane sugars of 96 degrees polarization.

4. Section 8 (d) is hereby revoked and new Section 8 (d) is added to read as follows:

(d) *Additions to applicable maximum prices for sales of raw cane sugar on and after September 18, 1946.*—(1) *Sales by persons who own no raw cane sugars at the close of business on September 17, 1946.* Any person subject to this regulation who owns no raw cane sugars at the close of business on September 17, 1946, may add 1.37 cents per pound to the applicable maximum prices established by the preceding paragraphs (a) to (c) inclusive of this section 8 for sales by him of raw cane sugars on and after September 18, 1946.

(2) *Sales by persons who own raw cane sugars at the close of business on September 17, 1946.* Any person subject to this regulation, except Commodity Credit Corporation, who owns raw cane sugars at the close of business on September 17, 1946, may add 1.37 cents per pound to the applicable maximum prices established by the preceding paragraphs (a) to (c) inclusive, of this section 8, for sales by him of raw cane sugars, on and after September 18, 1946, upon the condition that he complies with all the pertinent requirements of the following subparagraphs (3) and (4).

(3) *Filing of affidavit.* Any person subject to this regulation, who sells raw cane sugars, and who owns raw cane sugars at the close of business on September 17, 1946, shall not later than October 10, 1946, send by registered mail addressed to Commodity Credit Corporation, 150 Broadway, New York 7, New York, an affidavit setting out the total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into cane sugar) adjusted to a 96 degree polarization basis, owned by him at the close of business on September 17, 1946.

(4) *Payment to Commodity Credit Corporation.* Any person subject to the provisions of this regulation, who elects to increase his maximum price on September 18, 1946, shall make a statement to that effect in the affidavit described in subparagraph (3) of this paragraph (d) and shall make payment by check or money order payable to the Commodity Credit Corporation in an amount computed as follows:

(i) The total number of pounds of raw cane sugars (including cane juice and its derivatives in the process of being made into cane sugar) adjusted to a 96 degree polarization basis owned by him at the close of business on September 17, 1946;

(ii) Multiplied by 1.37 cents per pound.

Payment may be made at the time of filing the affidavit, or monthly payments shall be made within 30 days following the close of the calendar month for the amount of sugar sold during such month, until the full amount due has been paid. The maximum price, in the event of failure to make such payment or payments, shall be the maximum price established under paragraphs (a) to (c) inclusive of this section 8.

(5) *Election to sell inventory at lower price.* Any person subject to this regulation who owns raw cane sugars at the close of business on September 17, 1946, may, in lieu of making payment to Commodity Credit Corporation, described in subparagraph (4) above of this paragraph (d), elect to sell or otherwise dispose of the entire amount of his inventory at or below the maximum price established under paragraphs (a) to (c), inclusive, of this section 8. Such person shall state in the affidavit described in subparagraph (3) of this paragraph (d), that he elects to sell his inventory at that price. At such time as he has sold an amount equal to his September 17, 1946 inventory, he shall file by registered mail with the Commodity Credit Corporation a final affidavit stating that he has fully complied with the requirement of this subparagraph (5).

After mailing the final affidavit in proper form, such person may increase his maximum price in the amount set out in subparagraph (1) of this paragraph (d).

(6) *Maximum prices for sales by Commodity Credit Corporation.* The Commodity Credit Corporation may add the sum of 1.37 cents per pound to the applicable maximum prices established by paragraphs (a) to (c), inclusive, of this section 8.

This amendment shall become effective September 18, 1946.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: September 12, 1946.

CHARLES F. BRANNAN,
Acting Secretary of Agriculture.

STATEMENT OF THE CONSIDERATIONS INVOLVED IN THE ISSUANCE OF AMENDMENT 3 TO MAXIMUM PRICE REGULATION 16 AND AMENDMENT 4 TO MAXIMUM PRICE REGULATION 60

The accompanying amendments to Maximum Price Regulations Nos. 16 and 60 increase the maximum prices of raw cane sugar 1.37 cents per pound and of direct-consumption sugars 1½ cents per pound. These price increases except in the case of beet sugar are subject to cer-

[1] 10 F. R. 10978; 11 F. R. 1434, 3201.

tain recapture provisions when they are applied to stock held in inventory at the effective date of the increase. The provisions of these amendments, with the exception of the amount of the increase and minor clarifying changes, and the reasons therefor, are the same as those in Amendments 2 and 1 to Maximum Price Regulations Nos. 16 and 60, respectively.

Amendment 2 to Maximum Price Regulation 16, issued in February 1946, increased the price for raw cane sugar in order to insure the continued importation of sugar into the United States. At that time the Commodity Credit Corporation made a tentative agreement to purchase the 1946 crop of Cuban sugar at a higher price than theretofore paid, representing an increased cost which Commodity Credit Corporation had no legal authority to absorb. It was necessary, therefore, in order to obtain an adequate supply of sugar, to increase the price of raw sugar to reflect the additional cost. On July 16, 1946, the Commodity Credit Corporation announced the completion of the final contract for the purchase of the 1946 Cuban raw sugar crop. Under this contract, the basic price is 3.675 cents per pound, f. o. b. Cuba, as previously tentatively agreed upon. However, the contract contains an adjustment clause which had not been contemplated at the time of the February action.

That clause provides that if for any quarter or quarters of the calendar year 1946 the Consumer's Price Index or the Index of Retail Food Prices, as published by the Bureau of Labor Statistics exceeds the corresponding index for the last quarter of 1945 by 2% or more, the basic minimum price of one-quarter of the total quantity of raw sugar purchased under the contract must be increased by the same percentage. For each calendar quarter of the year for which there is such an increase in price index, there must be a corresponding increase in price for one-quarter of all the sugar purchased under the contract, without regard to the amount delivered in that calendar quarter or to advances in the price indices for any other calendar quarter. Payment of the total amount due for increases under the adjustment clause is to be made after all the sugar purchased under the contract has been delivered.

During the first quarter of 1946 neither index had advanced by two percent over the last quarter of 1945. However, since that time the Index of Retail Food Prices has advanced considerably. During the second quarter the index was 2.13 percent above the base figure. The reports for July and August indicate that the third quarter figure will be substantially higher.

At the present time more than three-fourths of the 1946 crop has been delivered to Commodity Credit Corporation at 3.675 cents per pound and resold by it to refiners at $4.205 per hundredweight, a selling price which does not cover any additional cost arising from the operation of the adjustment clause. While the Cuban contract makes provision for payment of the adjustment clause increases on sugar already delivered to Commodity Credit Corporation, the Commodity Credit Corporation has no way of passing on such increases on sugar it has already delivered. The Commodity Credit Corporation can be compensated only by increasing its selling price of the balance of the sugar remaining to be delivered. This increase must reflect not only the additional cost of that balance but must also include a factor to cover the additional cost to the Commodity Credit Corporation of the sugar already delivered by it.

The Administrator has examined these facts and has found that an increase of $1.37 per hundredweight will make it possible for the Commodity Credit Corporation to continue to import Cuban raw sugar and resell it without absorbing a loss on its sugar operations.

The results and effects of this action are exactly the same as those which were explained in the Statement of Considerations accompanying Amendments 1 and 2 to Maximum Price Regulations 60 and 16, respectively. The action is necessary to provide as much sugar as possible from Cuba, which supplies 50 percent of our total supply of raw sugar. Since no distinction can be made between Cuban sugar and that produced domestically or in United States territories, the price increase applies to all raw sugar. However, as a result of this increase, subsidy payments to domestic, Hawaiian and Puerto Rican producers will be substantially reduced.

The amendment to Maximum Price Regulation 60, increasing the prices of direct-consumption sugars, is also a direct result of this action. A survey of the sugar refining industry indicated that no increase in raw sugar costs can be absorbed under the minimum standards of the law. Therefore, this action increases the prices of direct-consumption sugars $1.50 per hundred pounds, which is the equivalent of the increased cost of raw sugar.

The recapture provisions are the same as those contained in Amendments 1 and 2 to Maximum Price Regulations 60 and 16, respectively, and have been included for the same reasons as set forth in the Statement of Considerations for those amendments, the applicable portions of which are incorporated herein by reference.

In addition, the amendment to Maximum Price Regulation 16 revokes section 8 (d) but maintains the .455 of a cent per pound increase in maximum prices for raw cane sugars established in February 1946 by that section by amending sections 8 (a) and 8 (b) so that the maximum prices listed in those sections now read 4.205 cents per pound instead of 3.75 cents per pound as heretofore. This action simplifies the regulation and is possible at this time because a survey has shown that sellers of raw cane sugars have disposed of their February 9, 1946 inventories of raw cane sugar. The recapture provisions were originally included to prevent windfalls from accruing to owners of such inventories.

Section 8 (c) of Maximum Price Regulation 16 has been amended so that the adjustment for polarization required by that section applies not only to maximum prices as heretofore, but also to any increases in maximum prices which may be established by the regulation. This action was taken to maintain the historical price differential between raw cane sugars of different degrees of polarization. Under section 8 (c) as it now reads, the 1.37 cents per pound increase established by the accompanying amendment must be adjusted upwards or downwards for each degree (or fraction of a degree) of polarization above or below 96 degrees.

In the opinion of the Price Administrator, the action taken by the accompanying amendments is generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328, 9599, 9651, and 9697.

[F. R. Doc. 46-16785; Filed, Sept. 17, 1946; 8:50 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Appendix A—Waivers of Navigation and Vessel Inspection Laws and Regulations

LOAD LINES FOR GREAT LAKES VOYAGES; WAIVERS

By virtue of the authority vested in me by the order of the Acting Secretary of the Navy, dated October 1, 1942 (7 F. R. 7979), as amended by order of the Secretary of the Navy dated June 5, 1945 (10 F. R. 6848) and continued in effect by order of the Secretary of the Treasury dated January 1, 1946 (11 F. R. 185) I hereby find it to be necessary in the conduct of the war that there be waived so much of § 45.016 of the Load Line Regulations (46 CFR 45.016) as to permit vessels engaged in voyages on the Great Lakes of North America to load to their summer load lines during the year 1946 through September 1946.

Dated: September 12, 1946.

[SEAL] MERLIN O'NEILL,
Rear Admiral, U. S. C. G.,
Acting Commandant.

[F. R. Doc. 46-16718; Filed, Sept. 17, 1946; 8:56 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 4—RULES GOVERNING EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

The Commission, in meeting on August 9, 1946, effective September 10, 1946, amended the title of Part 4 of the rules and regulations to read as set forth above.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46-16699; Filed, Sept. 17, 1946; 8:46 a. m.]

PART 4—RULES GOVERNING EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

The Commission today announced adoption of a revised Part 4 of its Rules and Regulations Governing Experimental and Auxiliary Broadcast Services. These rules are being issued as final and not proposed rules. However, the Commission will welcome any comments or suggestions for changes or amendments to these rules.

Part 4 of the present rules and regulations is repealed.

By the Commission.

[SEAL] WM. P. MASSING,
Acting Secretary.

SEPTEMBER 10, 1946.

[F. R. Doc. 46-16700; Filed, Sept. 17, 1946; 8:46 a. m.]

[Order 82-A]

PART 4—RULES GOVERNING EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

BROADCASTS AFFECTING MILITARY AND NAVAL ESTABLISHMENTS OF THE UNITED STATES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of August 1946;

In re: Partial annulment until further notice of the provisions of Order No. 82, dated and effective June 24, 1941, insofar as they suspend the application of former § 4.22 of the rules and regulations to broadcasts of programs affecting the military and naval establishments of the United States, and

Whereas, the Commission by Order No. 82, dated June 24, 1941 suspended until further notice the application of former § 4.22 of the rules and regulations "only insofar as it precludes by definition the use of a relay broadcast station where wire facilities are available for the transmission of programs from points under the jurisdiction of the military or naval establishments of the United States, where the broadcasting of such program has been requested by the appropriate establishment", and

Whereas, the restriction on the use of remote pickup (relay) broadcast stations for remote origination broadcasts where wire facilities are unavailable has been eliminated from Part 4 of the rules and regulations in the current revision approved this day. Paragraph 2, Order No. 82, has served its purpose in this connection and is no longer required; and

Therefore, *It is ordered*, That paragraph (2) of the ordering clauses of Order No. 82 be, and the same is hereby cancelled and annulled.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-16701; Filed, Sept. 17, 1946; 8:46 a. m.]

PART 4—RULES GOVERNING EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

The Commission, in meeting on August 9, 1946, effective September 10, 1946, revised Part 4, Rules Governing Experimental and Auxiliary Broadcast Services, to read as follows:

IN GENERAL

RULES GOVERNING ADMINISTRATIVE PROCEDURE

SUBPART A—RULES GOVERNING EXPERIMENTAL TELEVISION BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

RULES GOVERNING ADMINISTRATIVE PROCEDURE

RULES RELATING TO LICENSING POLICIES

RULES RELATING TO EQUIPMENT

RULES RELATING TO TECHNICAL OPERATION

OTHER RULES RELATING TO OPERATION

SUBPART B—RULES GOVERNING EXPERIMENTAL FACSIMILE BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

RULES GOVERNING ADMINISTRATIVE PROCEDURE

RULES RELATING TO LICENSING POLICIES

RULES RELATING TO EQUIPMENT

RULES RELATING TO TECHNICAL OPERATION

OTHER RULES RELATING TO OPERATION

SUBPART C—RULES GOVERNING DEVELOPMENTAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

RULES GOVERNING ADMINISTRATIVE PROCEDURE

RULES RELATING TO LICENSING POLICIES

RULES RELATING TO EQUIPMENT

RULES RELATING TO TECHNICAL OPERATION

OTHER RULES RELATING TO OPERATION

SUBPART D—RULES GOVERNING REMOTE PICKUP BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

RULES GOVERNING ADMINISTRATIVE PROCEDURE

RULES RELATING TO LICENSING POLICIES

IN GENERAL

§ 4.1 *Broadcast services covered by this part.* The following broadcast services are covered by Part 4 of the Rules:

(a) Experimental broadcast:
(1) Experimental television broadcast.
(2) Experimental facsimile broadcast.
(3) Developmental broadcast.
(b) Auxiliary broadcast:
(1) Remote pickup broadcast.
(2) ST broadcast.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.11 *Applications.* Each applicant for a construction permit for a new remote pickup, ST, experimental facsimile or developmental broadcast station, or change in facilities or modification of license of any such existing station shall file with the Commission in Washington, D. C., two copies of applications on the appropriate form designated by the Commission and a like number of exhibits or other papers incorporated therein and made a part thereof. Only the original copy need be sworn to. Experimental television applications should be submitted in triplicate.

§. 4.12 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial, and other qualifications, and as to all matters and things required to be disclosed by the application forms.

§ 4.13 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least 60 days prior to the contemplated removal and/or installation.

§ 4.14 *Period of construction.* Each construction permit will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 4.15 *Forfeiture of construction permits; extension of time.* (a) A construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and a notation of the forfeiture of any construction permit under this provision will be placed in the records of the Commission as of the expiration date.

(b) An application (Form FCC No. 701) for extension of time within which to construct a station shall be filed at least thirty days prior to the expiration date of such permit if the facts supporting such application for extension are known to the applicant in time to permit such filing. In other cases such applications will be accepted upon a showing satisfactory to the Commission of sufficient reasons for filing within less than thirty days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension.

§ 4.16 *Equipment tests.* (a) Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and prior to filing of application for license, the permittee of any class of station listed in § 4.1 is authorized to test the equipment for a period not to exceed 10 days: *Provided,* That the engineer in charge of the district in which the station is located and the Commission are notified 2 days in advance of the beginning of such tests.

(b) The Commission may notify the permittee to conduct no tests or may cancel, suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity.

§ 4.17 *Service or program tests.* (a) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee of any class of station listed in § 4.1 is authorized to conduct service or program tests in exact accordance with the terms of the construction permit for a period not to exceed 30 days: *Provided,* That the engineer in charge of the district in which the station is located and the Commision are notified 2 days in advance of the beginning of such tests.

(b) The Commission reserves the right to cancel such tests or suspend, or change the date of beginning for the period of such tests as and when such action may appear to be in the public interest, convenience, and necessity by notifying the permittee.

(c) The authorization for tests embodied in this section or section 4.16 shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 4.18 *License periods renewal.* (a) Licenses for the following classes of broadcast stations normally will be issued for a period of one year expiring as follows:

Class of Station and Date of Expiration

Experimental television broadcast station: Feb. 1.
Experimental facsimile broadcast station: Mar. 1.
Developmental broadcast station: May 1.

(b) Licenses for remote pickup broadcast and ST broadcast stations will be issued for a period running concurrently with the license of the broadcast station with which used. A remote pickup broadcast station licensed for use with more than one broadcast station will be licensed for a period running concurrently with the license of the broadcast station having the longer license period.

§ 4.19 *License, simultaneous modification and renewal.* When an application is granted by the Commission necessitating the issuance of a modified license less than 60 days prior to the expiration date of the license sought to be modified, and an application for renewal of said license is granted subsequent or prior thereto (but within 30 days of expiration of the present license) the modified license as well as the renewal license will be issued to conform to the combined action of the Commission.

§ 4.20 *Renewal of license.* (a) Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

(b) Whenever the Commission regards an application for renewal of a station license for any class of broadcast station listed in § 4.1 as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a certain date, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

(c) A supplemental report shall be submitted with each application for renewal of licenes of a station licensed experimental [1] in accordance with the regulations governing each class of station.

§ 4.21 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

§ 4.22 *Repetitious Applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new auxiliary or experimental broadcast station, or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

(b) Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor as assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 4.23 *Assignment or transfer of control*—(a) *Voluntary.* Application for consent to voluntary assignment of an auxiliary or experimental broadcast station construction permit or license or for consent to voluntary transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on Form FCC No. 314 (assignment of license) or Form FCC No. 315 (transfer of control) at least 60 days prior to the contemplated effective date of assignment or transfer of control.

(b) *Involuntary.* In the event of the death or legal disability of a permittee or licensee, or a member of a partnership, or a person directly or indirectly in control of a corporation, which is a permittee or licensee:

(1) The Commission shall be notified in writing promptly of the occurrence of such death or legal disability, and

(2) Within thirty days after the occurrence of such death or legal disability, application on Form FCC No. 314 or 315 shall be filed for consent to involuntary assignment of such station permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

[1] The phrases "station licensed experimentally" and "experimental station" are used interchangeably.

SUBPART A—RULES GOVERNING EXPERIMENTAL TELEVISION BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.101 *Definitions.* (a) The term "experimental television broadcast station" means a station licensed for experimental transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public.[2]

(b) Under these rules for experimental television broadcast stations, the Commission will authorize experimental television relay broadcast stations to transmit programs from points where suitable wire facilities are not available to one or more television broadcast stations rendering a television broadcast service to the general public. Such authorization will be granted only to the licensee of a television broadcast station.

§ 4.102 *Purpose.* A license for an experimental television broadcast station will be issued for the purpose of carrying on research and experimentation for the advancement of television broadcasting which may include tests of equipment, training of personnel, and experimental programs as are necessary for the experimentation.

§ 4.103 *Frequency assignment.* (a) The following groups of channels are available for assignment to television broadcast stations licensed experimentally:

GROUP A

Channel No.	*Megacycles*	Channel No.	*Megacycles*
1	44–50	8	180–186
2	54–60	9	186–192
3	60–66	10	192–198
4	66–72	11	198–204
5	76–82	12	204–210
6	82–88	13	210–216
7	174–180		

[2] The transmission of synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast.

GROUP B

Megacycles [1] [2]	*Megacycles* [1] [2]	*Megacycles* [1] [2]
480–500	640–660	780–800
500–520	660–680	800–820
520–540	680–700	820–840
540–560	700–720	840–860
560–580	720–740	860–880
580–600	740–760	880–900
600–620	760–780	900–920
620–640		

[1] The channel divisions of this band are tentative and subject to change.

[2] Higher frequency channels for experimental television will be announced in the near future. In the meantime persons desiring to employ higher frequency channels should correspond with the Commission prior to the filing of an application.

(b) No experimental television broadcast station will be authorized to use more than one channel in group A except for good cause shown. Both aural and visual carrier waves with side bands for modulation are authorized but no emission shall result outside the authorized channel.

(c) Channels in group B may be assigned to experimental television stations to serve auxiliary purposes such as television relay or pickup stations. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.111 *Cross reference.* See §§ 4.11 to 4.23, inclusive.

§ 4.112 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental television broadcast station confirming the applicant's understanding:

(1) That all operation upon the frequency requested is for experimental purposes only.

(2) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(3) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(4) That any frequency which may be assigned is subject to change without advance notice or hearing,

(5) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.113 *Supplementary reports to be filed with application for renewal of license.* (a) A report shall be filed with each application for renewal of experimental television broadcast station license which shall include a statement of each of the following:

(1) Number of hours operated.

(2) Full date on research and experimentation conducted including the type of transmitting and studio equipment used and their mode of operation.

(3) Data on expense of research and operation during the period covered.

(4) Power employed, field intensity measurements and visual and aural observations and the types of instruments and receivers utilized to determine the station service area and the efficiency of the respective types of transmissions.

(5) Estimated degree of public participation in reception and the results of observations as to the effectiveness of types of transmission.

(6) Conclusions, tentative and final.

(7) Program for further developments in television broadcasting.

(8) All developments and major changes in equipment.

(9) Any other pertinent developments.

(b) Special or progress reports shall be submitted from time to time as the Commission shall direct.

RULES RELATING TO LICENSING POLICIES

§ 4.131 *Licensing requirements, necessary showing.* (a) An applicant for a new experimental television broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as the following:

(1) That the applicant has a definite program of research and experimentation in the technical phases of television broadcasting, which indicates reasonable promise of substantial contribution to the developments of the television art.

(2) That upon the authorization of the proposed station the applicant can and will proceed immediately with its program of research and experimentation.

(3) That the transmission of signals by radio is essential to the proposed program of research and experimentation.

(4) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental television broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

(c) A license for an experimental television broadcast station will be issued only on the condition that no objectionable interference will result from the transmissions of the station to the regular program transmissions of television broadcast stations. It shall at all times be the duty of the licensee of an experimental television broadcast station to ascertain that no interference will result from the transmissions of its station. With regard to interference with the transmissions of an experimental television broadcast station or the experimental or test transmissions of a television broadcast station, the licensees shall make arrangements for operations to avoid interference.

§ 4.132 *Power limitations.* Experimental television broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.133 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

§ 4.134 *Multiple ownership.* No persons (including all persons under common control) shall control directly or indirectly, two or more experimental television broadcast stations (other than television relay broadcast stations) unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

RULES RELATING TO EQUIPMENT

§ 4.151 *Equipment changes.* The licensee of an experimental television broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.161 *Frequency tolerance.* The licensee of an experimental television broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency. The licensee of an experimental television broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.162 *Frequency monitors and measurements.* The licensee of an experimental television broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.163 *Time of operation.* (a) A licensee of an experimental television broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental television broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.164 *Station inspection.* The licensee of each experimental television broadcast station shall make the station available for inspection by representasentatives of the Commission at any reasonable hour.

§ 4.165 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile[3] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile[4] operation, a verification card[5] is acceptable in lieu of the posting of such license.

§ 4.166 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental television broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.167 *Inspection of tower lights and associated control equipment.* The li-

[3] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[4] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[5] Form 758-F.

censee of each experimental television broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.168 *Additional orders.* In case the rules contained in this Part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.181 *Station records.* (a) The licensee of each experimental television broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) In case of relay or pickup station, an entry giving points of program origination and receiver location shall be included.

(6) Research and experimentation conducted.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light.

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.182 *Charges.* No charges, either direct or indirect, shall be made by the licensee of an experimental television broadcast station for the production or transmission of either aural or visual programs transmitted by such station except that this section shall not apply to the transmission of commercial programs by an experimental television relay or pickup broadcast station for retransmission by a television broadcast station.

§ 4.183 *Station identification.* Each experimental television broadcast station shall make aural and visual announcements of its call letters and location at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.184 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program [6] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[7]

(b) No licensee of any experimental television broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[8]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART B—RULES GOVERNING EXPERIMENTAL FACSIMILE BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.201 *Definition.* The term "facsimile broadcast station" means a station licensed to transmit images of still objects for record reception by the general public.

§ 4.202 *Frequency assignment.* (a) The band of frequencies between 470 and 480 megacycles is allocated for assignment to fascimile broadcast stations which will be licensed experimentally only.

(b) Other broadcast experimental frequencies may be assigned for the operation of an experimental facsimile broadcast station provided a sufficient need therefor is shown and no interference will be caused to established radio stations.

(c) One frequency only will be assigned to an experimental facsimile station from the band listed in paragraph (a) of this section. More than one frequency may be assigned under the provisions of paragraph (b) of this section if a need therefor is shown.

(d) Each applicant shall specify the maximum modulating frequencies proposed to be employed.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.211 *Cross reference.* See §§ 4.11 to 4.23, inclusive.

§ 4.212 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any experimental facsimile broadcast station confirming the applicant's understanding:

(1) That all operation upon the frequency requested is for experimental purposes only,

(2) That the frequency requested may not be the best suited to the particular experimental work to be carried on,

(3) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(4) That any frequency which may be assigned is subject to change without advance notice or hearing,

(5) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.213 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

(a) Number of hours operated for transmission of facsimile programs.

(b) Comprehensive report of research and experimentation conducted.

(c) Conclusions and program for further developments of the facsimile broadcast service.

(d) All developments and major changes in equipment.

(e) Any other pertinent developments.

RULES RELATING TO LICENSING POLICIES

§ 4.231 *Licensing requirements, necessary showing.* (a) An applicant for a construction permit for a new experimental facsimile broadcast station, change in facilities of any existing station, or modification of license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of the facsimile broadcast service.

(2) That sufficient facsimile recorders will be distributed to accomplish the experimental program proposed.

(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for an experimental facsimile broacast station will not authorize exclusive use of any frequency. In

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[6] As used in this section the word "program" includes any complete program or part thereof.

[7] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[8] Informal application may be employed.

case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

§ 4.232 *Power limitations.* Experimental facsimile broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.233 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

§ 4.234 *Multiple ownership.* No persons (including all persons under common control) shall control directly or indirectly, two or more experimental facsimile broadcast stations unless a showing is made that the character of the programs of research require a licensing of two or more separate stations.

RULES RELATING TO EQUIPMENT

§ 4.251 *Equipment changes.* The licensee of an experimental facsimile broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.261 *Frequency tolerance.* The licensee of an experimental facsimile broadcast station shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.[9] However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.262 *Frequency monitors and measurements.* The licensee of an experimental facsimile broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.263 *Tome of operation.* (a) A licensee of an experimental facsimile broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for an experimental facsimile broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.264 *Station inspection.* The licensee of each experimental facsimile broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.265 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, a vertification card[10] is acceptable in lieu of the posting of such license.

§ 4.266 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any experimental facsimile broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.267 *Inspection of tower lights and associated control equipment.* The licensee of each experimental facsimile broadcast station which has an antenna or antenna supporting structures required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.268 *Additional orders.* In case the rules contained in this Part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.281 *Station records.* (a) The licensee of each experimental facsimile broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) Research and experimentation conducted.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. C. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.282 *Charges.* (a) A licensee of an experimental facsimile broadcast station

[9] Tolerance may be plus or minus 0.05 percent on equipment installed prior to October 1, 1946, and until October 1, 1947, when all experimental facsimile broadcast stations shall maintain frequency within the prescribed tolerance.

[10] Form 738-F.

shall not make any charge, directly or indirectly, for the transmission of programs.

(b) No licensee of any standard or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of some phase of its programs by an associated experimental facsimile broadcast station.

§ 4.283 *Station identification.* Each experimental facsimile broadcast station shall transmit visual information which will permit it to be identified at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.284 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program [11] of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.[12]

(b) No licensee of any experimental facsimile broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[13]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART C—RULES GOVERNING DEVELOPMENTAL BROADCAST STATIONS

DEFINITIONS AND ALLOCATIONS OF FREQUENCIES

§ 4.301 *Definition.* The term "developmental broadcast station" means a station licensed experimentally to carry on development and research primarily in radiotelephony for the advancement of the broadcast services.

§ 4.302 *Frequency assignment* (a) The following frequencies are allocated for assignment to developmental broadcast stations.[14] [15]

Kilocycles	*Megacycles*	*Megacycles*	*Megacycles*
1614	30.66	35.46	72.18
2398	31.02	37.06	72.22
3492.5	31.14	37.14	156.525
4797.5	31.18	37.54	156.975
6425	31.54	39.14	157.425
9135	33.34	39.46	157.725
12862.5	33.46	39.54	158.175
17310	33.62	40.98	920 to 940
23100	35.06	42.98 [1]	Above 30,000

[1] Subject to interference from radiations emitted by scientific, medical, and industrial stations.

[11] As used in this section the word "program" includes any complete program or part thereof.

[12] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[13] Informal application may be employed.

[14] Subject to change in accordance with Docket No. 6651.

[15] Also available for assignment to other stations in the experimental services except for the band 920–940 megacycles.

(b) A license will be issued for more than one of these frequencies upon a satisfactory showing that there is need therefor.

(c) The frequencies suited to the purpose and in which there appears to be the minimum degree or absence of interference to established stations shall be selected.

(d) In cases of important experimentation which cannot be conducted successfully on the frequencies allocated in paragraph (a) of this section, the Commission may authorize developmental broacast stations to operate on any frequency allocated for broadcast stations or any frequencies allocated for other services under the jurisdiction of the Commission upon satisfactory showing that such frequencies can be used without causing interference to established services.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.311 *Cross reference.* See §§ 4.11 to 4.23, inclusive.

§ 4.312 *Supplementary statements to be filed with application for construction permit.* A supplementary statement shall be filed with and made a part of each application for construction permit for any developmental broadcast station confirming the applicant's understanding:

(1) That all operation upon the frequency requested is for experimental purposes only,

(2) That the frequency requested may not be the best suited to the particular experimental work to be carried on, and

(3) That the frequency requested need not be allocated for any service that may be developed as a result of the experimental operation,

(4) That any frequency which may be assigned is subject to change without advance notice or hearing,

(5) That any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

§ 4.313 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following, among others:

(a) The number of hours operated.

(b) Comprehensive report on research and experiments conducted.

(c) Conclusions and program for further development of the broadcast service.

(d) All developments and major changes in equipment.

(e) Any other pertinent developments.

RULES RELATING TO LICENSING POLICIES

§ 4.331 *Licensing requirements; necessary showing.* (a) An applicant for a construction permit for a new developmental broadcast station, change of facilities or modification of an existing license is required to make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended, as well as with regard to the following:

(1) That the applicant has a program of research and experimentation which can best be carried on under the license requested.

(2) That the program of research has reasonable promise of substantial contribution to the development of broadcasting.

(3) That the program of research and experimentation will be conducted by qualified personnel.

(b) A license for a developmental broadcast station will not authorize exclusive use of any frequency. In case interference would be caused by simultaneous operation of stations licensed experimentally, such licensees shall endeavor to arrange satisfactory time division. If such agreement cannot be reached, the Commission will determine and specify the time division.

§ 4.332 *Power limitations.* Developmental broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.333 *Emission authorized.* In case emission of a different type than that specified in the license is necessary or desirable in carrying on any phases of experimentation, application setting out fully the needs shall be made by informal application.

RULES RELATING TO EQUIPMENT

§ 4.351 *Equipment changes.* The licensee of a developmental broadcast station may make any changes in the equipment that are deemed desirable or necessary: *Provided,*

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed. This limitation shall not apply to developmental broadcast stations licensed to operate in connection with the development and testing of commercial broadcast equipment.

RULES RELATING TO TECHNICAL OPERATION

§ 4.361 *Frequency tolerance.* The licensee of a developmental broadcast station operating below 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent

of the assigned frequency.[16] The licensee of a developmental broadcast station operating above 450 megacycles shall maintain the operating frequency of its station within plus or minus 0.05 percent of the assigned frequency. However, where a lesser tolerance is necessary in order to prevent interference, the Commission will specify the tolerance.

§ 4.362 *Frequency monitors and measurements.* The licensee of a developmental broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.363 *Time of operation.* (a) A licensee of a developmental broadcast station is not required to adhere to a regular schedule of operation but shall actively conduct a program of research and experimentation. However, licensees of developmental broadcast stations which are licensed to conduct special intermittent experiments, such as the development and testing of commercial broadcast equipment, are authorized to operate only when there is a need therefor.

(b) The program of research and experimentation as offered by an applicant in compliance with the requirements for obtaining a license for a developmental broadcast station shall be adhered to in the main, unless the licensee is authorized to do otherwise by the Commission.

(c) The Commission may from time to time require that a station licensed experimentally conduct such experiments as are deemed desirable and reasonable for the development of the service.

§ 4.364 *Station inspection.* The licensee of each developmental broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.365 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located. However, if the station is licensed for portable-mobile[17] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile[17] operation, a verification card[18] is acceptable in lieu of the posting of such license.

§ 4.366 *Operator requirements.* One or more radio operators holding radiotelephone first-class or radiotelephone second-class operator licenses shall be on duty at the place where the transmitting apparatus of any developmental broadcast station is located and in actual charge of its operation. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.367 *Inspection of tower lights and associated control equipment.* The licensee of each developmental broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.368 *Additional orders.* In case the rules contained in this Part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.381 *Station records.* (a) The licensee of each developmental broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) In case of relay or remote pickup station, an entry giving points of program origination and receiver location shall be included.

(6) Research and experimentation conducted.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.382 *Program service; charges prohibited; announcements.* (a) A licensee of a developmental broadcast station shall broadcast programs only when they are necessary to the experiments being conducted. No regular program service shall be broadcast unless specifically authorized. If the license authorizes the carrying of programs, the developmental broadcast station may transmit the programs of a standard, or FM broadcast station or networks, provided, that during the broadcast a statement is made identifying the station or network originating the program (by giving the call letters of the station or name of the network) and announcing that the program is being broadcast in connection with the experimental operation of a developmental broadcast station.

(b) No licensee of any standard, or FM broadcast station shall make any additional charge, directly or indirectly, for the transmission of programs by a developmental broadcast station.

(c) The provisions of paragraphs (a) and (b) shall be applicable to rebroadcasts of the programs of a standard, or FM broadcast station or network by a developmental broadcast station.

§ 4.383 *Station identification.* Each developmental broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour.

§ 4.384 *Rebroadcasts.* (a) The term "rebroadcast" means reception by radio of the program[19] of a radio station, and

[16] Tolerance may be 0.05 on equipment installed prior to October 1, 1946, and until October 1, 1947, when all developmental broadcast stations shall maintain frequency within the prescribed tolerances.

[17] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[18] Form 758-F.

[19] As used in this section the word "program" includes any complete program or part thereof.

the simultaneous or subsequent retransmission of such program by a broadcast station.[20]

(b) No licensee of any developmental broadcast station shall rebroadcast the program of any radio station without written authority having first been obtained from the Commission upon application.[21]

(c) An application for authority to rebroadcast the program of any radio station shall be accompanied by written consent or certification of consent of the licensee of the station originating the program.

SUBPART D—RULES GOVERNING REMOTE PICKUP BROADCAST STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.401 *Definition.* The term "remote pickup broadcast station" means a station licensed primarily for the transmission of programs from remote points of origination to a broadcast station for simultaneous or delayed broadcast, and for the transmission of orders pertaining to such programs.

§ 4.402 *Frequency assignment.* (a) The following groups of frequencies are allocated for assignment to remote pickup broadcast stations:[22]

(1)

Group A	Group B	Group C
Kilocycles	*Kilocycles*	*Kilocycles*
1622	1606	1646
2058	[1] 2074	2090
2150	2102	2190
2790	2758	2830

(2)

Group D	Group E	Group F	Group G
Megacycles	*Megacycles*	*Megacycles*	*Megacycles*
30.82	31.22	31.62	33.38
33.74	35.62	35.26	35.02
35.82	37.02	37.34	37.62
37.98	39.26	39.62	39.82

[1] Subject to the condition that no interference is caused to Government stations on adjacent channels.

(3) Channels within the 152 to 162 megacycle range are now in the course of assignment to the remote pickup broadcast service.

(b) One of the above groups only, including all frequencies shown therein, will be assigned to each remote pickup station. The same group may be assigned two or more stations operating in the same area. A licensee will normally be limited to the assignment in any metropolitan area of one frequency group from each paragraph (a) (1), (2), and (3) of this section.

§ 4.403 *Frequency selection to avoid interference.* Where two or more stations are licensed for the same group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies to avoid interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequencies on which each station is to be operated.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.411 *Cross reference.* See §§ 4.11 to 4.23, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.431 *Purpose of remote pickup broadcast stations.* (a) The license of a remote pickup broadcast station authorizes the transmission of program material, or orders concerning such program material, to its associated standard or FM broadcast station and to such other stations as are also broadcasting the same program material. Remote pickup broadcast stations are also authorized to transmit chain programs, or orders concerning such programs, to the network with which its associated station is regularly affiliated. The transmission of programs, or orders concerning such programs, to be broadcast by other standard or FM broadcast stations not aforementioned is authorized: *Provided,* That the transmissions by the remote pickup broadcast station shall be under the control of the remote pickup broadcast station licensee and that such operation shall not exceed a total of 10 days in any 30 day period.

(b) In the event of damage or impairment of the regular circuits of a broadcast station due to storms or other emergencies, remote pickup broadcast stations may be used to provide temporary emergency circuits for program transmission and cue purposes pending completion of repairs. However, remote pickup broadcast stations may not be used for such circuits on a regular basis.

(c) A license authorizes operation on only one of the assigned frequencies at any one time. In case it is desired to transmit programs and orders concerning such programs to the associated broadcast station simultaneously, two licenses are required though each may specify the same group of frequencies. Where it is desired to transmit orders concerning the program, from the associated broadcast station to the remote pickup broadcast station a separate license is required.

§ 4.432 *Licensing reqirements.* (a) A license for a remote pickup broadcast station normally will be issued only to the licensee of a standard or FM broadcast station.[23] A license for a remote pickup broadcast station may be issued to the licensee of another class of broadcast station provided special need therefor is shown.

(b) In case a licensee has two or more broadcast stations located in different cities, it shall, in applying for a new remote pickup station or for renewal of license of an existing station, designate the broadcast station in conjunction with which the remote pickup station is to be operated principally, and it shall not thereafter operate the remote pickup station in conjunction with another of its broadcast stations located in a different city for more than a total of 10 days in any 30-day period.

(c) A remote pickup broadcast station may be licensed for portable operation, for portable-mobile operation, or for operation at a fixed location. An application for a new remote pickup broadcast station or for modification of license of an existing station requesting portable or portable-mobile operation shall specify the area in which the facilities of the proposed station are intended to be employed.

(d) Remote pickup broadcast stations will be licensed for the purpose of providing communications between the studio and the transmitter of FM broadcast stations which utilize an ST broadcast station for program transmission only on the frequencies designated for this purpose.[24] For the time being, and until further notice an application may request a frequency to be assigned by the Commission.

§ 4.433 *Temporary authorizations.* (a) Special temporary authority may be granted for operation, as a remote pickup broadcast station, of equipment already licensed to another class of station or equipment in use by a class of station which under the Communications Act of 1934 does not require a construction permit.

(b) An application for special temporary authority for the operation of a remote pickup broadcast station[25] shall be filed with the Commission at least 10 days previous to the date of operation. Any application received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. The application shall set forth full particulars of the purpose for which the request is made and shall show the licensee, call letters, and type of equipment of the station proposed to be used and specify the frequency or frequencies, time and date, location, transmitter power, and type emission proposed and the purpose of the operation requested.

(c) An application for special temporary authority to operate another class of station as a remote pickup broadcast station[25] shall specify a frequency or frequencies allocated in § 4.402: *Provided, however,* In case of events of national interest and importance which cannot be transmitted successfully on these frequencies, other frequencies under the jurisdiction of the Commission may be requested, if it is shown that the operation thereon will not cause interference to established stations: *And provided further,* That no remote pickup operation will be authorized on frequencies employed in the emergency service or otherwise employed for the safety of life and property.

(d) An application for special temporary authority to operate equipment as a remote pickup broadcast station[25] filed

[20] In case a program is transmitted from its point of origin to a broadcast station primarily by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast. The broadcasting of a program relayed by a remote pickup broadcast station is not considered a rebroadcast.

[21] Informal application may be employed.

[22] Subject to change in accordance with action resulting from the proceedings in Docket No. 6651.

[23] The term FM broadcast station as here used includes non-commercial educational FM broadcast stations.

[24] Assignment of frequencies in this service is subject to the proceedings in Docket No. 6651.

[25] Informal application may be employed.

by a person other than the licensee of such equipment shall contain a statement to show that temporary control of the transmissions therefrom has been secured for the duration of the special operation proposed. An application for special temporary authority to operate another class of station as a remote pickup broadcast station filed by a person other than the licensee of a standard or FM broadcast station shall contain a statement to show which broadcast station or stations contemplate broadcast of the program proposed to be transmitted.

§ 4.434 *Remote control operation.* Remote-control operation of remote pickup stations will be permitted subject to the following conditions.

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.435 *Power limitations.* Remote pickup broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

§ 4.436 *Emission authorized.* The license for a remote pickup broadcast station operating on frequencies below 50 megacycles will normally authorize A3 emission and may in addition authorize A1 and A2 emission where a need therefor is shown. Special emission for frequency modulation employing a frequency swing [26] of [27] kilocycles may be licensed to this class of station on frequencies above 150 megacycles. Further consideration will be given to the possible desirability of authorizing special emission for frequency modulation on frequencies below 150 megacycles following final determination of frequency assignments.[28]

RULES RELATING TO EQUIPMENT

§ 4.451 *Equipment changes.* The licensee of a remote pickup broadcast station may make any changes in the equipment that are deemed desirable or necessary: *Provided,*

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.461 *Frequency tolerance.* The licensee of a remote pickup broadcast station operating below 25 megacycles shall maintain the operating frequency of its station within plus or minus 0.02 percent of the assigned frequency. The licensee of a remote pickup broadcast station operating above 25 megacycles shall maintain the operating frequency of its station within plus or minus 0.01 percent of the assigned frequency.[29] The operating frequency of remote pickup broadcast stations licensed for portable operation on frequencies above 25 megacycles with power of 5 watts or less shall be maintained within plus or minus 0.02 percent of the assigned frequency.[29]

§ 4.462 *Frequency monitors and measurements.* The licensee of a remote pickup broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance. A remote pickup broadcast station retained in a stand-by status normally shall have its frequency measured at least once during each calendar year.

§ 4.463 *Station inspection.* The licensee of each remote pickup broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.464 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located: *Provided:*

(1) If the transmitter operator is located at a distance from the transmitter pursuant to § 4.434 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for portable-mobile [30] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* If the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile [31] operation, a verification card [32] is acceptable in lieu of the posting of such license.

§ 4.465 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus of any remote pickup broadcast station is located, except as provided in § 4.434, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of the Rules. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.466 *Inspection of tower lights and associated control equipment.* The licensee of each remote pickup broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

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[26] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

[27] To be determined.

[28] Assignment of frequencies in this service is subject to the proceedings in Docket No. 6651.

[29] Tolerance on equipment installed prior to October 1, 1946, and until October 1, 1947, may be:

	Percent
(a) Below 25 mc	0.04
(b) Above 25 mc:	
10 watts or less	.1
Above 10 watts	.05

and after October 1, 1947, all remote pickup broadcast stations shall maintain frequency within the required tolerance.

[30] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[31] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[32] Form 758-F.

§ 4.467 *Additional orders.* In case the rules contained in this Part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.481 *Station records.* (a) The licensee of each remote pickup broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(5) An entry giving points of program origination and receiver location.

(b) Where an antenna or antenna supporting structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communications Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.482 *Station identification.* Each remote pickup broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it shall either announce its call letters or make an announcement [33] which will permit it to be identified.

SUBPART E—RULES GOVERNING ST BROADCAST STATIONS

DEFINITION AND ALLOCATION OF FREQUENCIES

§ 4.501 *Definition.* The term "ST [34] broadcast station" means a station licensed primarily to transmit programs from the main studio to the transmitter of a broadcast station.

[33] Such an announcement during program operation of the call letters of the broadcast station with which the remote pickup broadcast station is regularly affiliated.

[34] The abbreviation "ST" is derived from "studio-transmitter."

§ 4.502 *Frequency assignment.* For the time being and until further notice an application for this class of station may request a frequency to be assigned by the Commission. Assignment of frequencies for this class of station within the 940 to 960 megacycle band is subject to the proceedings in Docket No. 6651.

RULES GOVERNING ADMINISTRATIVE PROCEDURE

§ 4.511 *Cross reference.* See §§ 4.11 to 4.23, inclusive.

RULES RELATING TO LICENSING POLICIES

§ 4.531 *Licensing requirements.* An ST broadcast station normally will be licensed only to the licensee of an FM broadcast station or of an international broadcast station. Only one ST broadcast station will be licensed for use with an FM broadcast station. Not more than two ST broadcast stations will be licensed for use with an international broadcast station. Each ST station shall be at a fixed location.

§ 4.532 *Service.* The license of an ST broadcast station authorizes the transmission of program material, or orders concerning such program material,[35] from the main studio to the transmitter of the broadcast station in connection with which it is authorized.

§ 4.533 *Remote control operation.* Remote-control operation of ST broadcast stations will be permitted subject to the following conditions:

(a) A percentage modulation indicator or calibrated program level meter shall be provided at the operating position.

(b) The operator shall have off-and-on control of the power to the last radio stage.

(c) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons.

§ 4.534 *Power limitations.* ST broadcast stations will be licensed with a power output not in excess of that necessary to render satisfactory service. The license for these stations will specify the maximum authorized power. The operating power shall not be greater than necessary to carry on the service and in no event more than 5 percent above the maximum power specified. Engineering standards have not been established for these stations. The efficiency factor for the last radio stage of transmitters employed will be subject to individual determination but shall be in general agreement with values normally employed for similar equipment operated within the frequency range authorized.

[35] The ST transmitter may normally be employed for communication during non-broadcast periods. If the ST transmitter and receiver are equipped with a multiplex circuit, communication during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.

§ 4.535 *Emission authorized.* (a) ST broadcast stations normally will be authorized to employ frequency modulation only.

(b) The maximum frequency swing [36] employed by ST broadcast stations shall not be in excess of 200 kilocycles.

§ 4.536 *Directional antenna required.* Each ST broadcast station is required to employ a directional antenna. Considering one kilowatt of radiated power as a standard for comparative purposes, such antenna shall provide a free space field intensity at one mile of not less than 435 mv/m in the main lobe of radiation toward the receiver and not more than 20 percent of the maximum value in any azimuth 30 degrees or more off the line to the receiver.

RULES RELATING TO EQUIPMENT

§ 4.551 *Equipment changes.* The licensee of an ST broadcast station may make any changes in the equipment that are deemed desirable or necessary provided:

(a) That the operating frequency is not permitted to deviate more than the allowed tolerance;

(b) That the emissions are not permitted outside the authorized band;

(c) That the power output complies with the license and the regulations governing the same; and

(d) That the transmitter as a whole or output power rating of the transmitter is not changed.

RULES RELATING TO TECHNICAL OPERATION

§ 4.561 *Frequency tolerance.* The licensee of each ST broadcast station shall maintain an operating frequency of the station within plus or minus 0.01 percent of the assigned frequency.

§ 4.562 *Frequency monitors and measurements.* The licensee of an ST broadcast station shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The date and time of each frequency check, the frequency as measured, and a description or identification of the method employed shall be entered in the station log. Sufficient observations shall be made to insure that the assigned carrier frequency is maintained within the prescribed tolerance.

§ 4.563 *Station inspection.* The licensee of each ST broadcast station shall make the station available for inspection by representatives of the Commission at any reasonable hour.

§ 4.564 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located; *Provided:*

[36] The term "frequency swing" means the instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

(1) If the transmitter operator is located at a distance from the transmitter pursuant to § 4.434 the station license shall be posted in the above-described manner at the operating position.

(2) If the station is licensed for portable-mobile [37] operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The original license of each station operator shall be posted at the place where he is on duty: *Provided, however,* if the original license of a station operator is posted at another radio transmitting station in accordance with the rules governing that class of station and is there available for inspection by an authorized Commission representative, or if the station operated is licensed for portable-mobile [37] operation, a verification card [38] is acceptable in lieu of the posting of such license.

§ 4.565 *Operator requirements.* One or more radio operators holding any class of commercial radio operator license or permit shall be on duty at the place where the transmitting apparatus of any ST broadcast station is located, except as provided in § 4.434, and in actual charge of its operation. Further provisions and restrictions concerning the operator's authority are contained in Part 13 of the Rules. The licensed operator on duty and in charge of a broadcast transmitter may at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of operator's license which he holds and the rules and regulations governing such stations. However, such duties shall in no wise interfere with the operation of the broadcast transmitter.

§ 4.566 *Inspection of tower lights and associated control equipment.* The licensee of each ST broadcast station which has an antenna or antenna supporting structure(s) required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended:

(a) Shall make a visual observation of the tower lights at least once each 24 hours to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of the tower lights, not corrected within 30 minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least once each 3 months all flashing or rotating beacons and automatic lighting control devices to insure that such apparatus is functioning properly as required.

§ 4.567 *Additional orders.* In case the rules contained in this Part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER RULES RELATING TO OPERATION

§ 4.581 *Station records.* (a) The licensee of each ST broadcast station shall maintain adequate records of the operation, including:

(1) Hours of operation.

(2) Program transmitted.

(3) Frequency check.

(4) Pertinent remarks concerning transmission.

(b) Where an antenna or antenna support structure(s) is required to be illuminated the licensee shall make entries in the radio station log as follows:

(1) The time the tower lights are turned on and off if manually controlled.

(2) The time the daily visual observation of the tower lights was made.

(3) In the event of any observed failure of a tower light,

(i) Nature of such failure.

(ii) Time the failure was observed.

(iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (C. A. A.) notified of the failure of any tower light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (C. A. A.) that the required illumination was resumed.

(4) Upon completion of the periodic inspection required at least each three months,

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices.

(ii) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

§ 4.582 *Station identification.* Each ST broadcast station shall announce its call letters at the beginning and end of each period of operation, and during operation, at least once every hour it shall, either announce its call letters or make an announcement [39] which will permit to be identified.

(Sections 4 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j), 48 Stat. 1066, 1082, 1082; 47 U. S. C. 154 (i), 303 (b), 303 (c), 303 (e), 303 (f), 303 (j).

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46-16702; Filed, Sept. 17, 1946; 8:46 a. m.]

[37] The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[38] Form 758-F.

[39] Such as announcement during program operation of the call letters of the broadcast station with which the ST station is operated.

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

MINERAL PERMITS, LEASES AND LICENSES; OIL AND GAS LEASES

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS

Notice is hereby given that pursuant to the authority vested in me by section 32 of the act of February 25, 1920 (41 Stat. 450, 30 U. S. C. sec. 189), a hearing will be held at the Tramway Building Auditorium, Denver, Colorado, on September 30 and October 1, 1946, commencing at 10 a. m. with respect to the proposed amendment of the general regulations applicable to mineral permits and leases and the oil and gas leasing regulations.

Oscar L. Chapman, Under Secretary of the Department of the Interior, will preside at the hearing.

The hearing will be open to the attendance of all interested parties. Those desiring to be heard in person at such hearing must give notice thereof to the District Land Office, Bureau of Land Management, Federal Building, Denver, 2, Colorado, not later than September 27, 1946. Written statements may also be filed at the same office by any parties so desiring on or prior to September 27 or with the Under Secretary at the hearing.

At the conclusion of the hearing, the minutes thereof, together with appropriate recommendations will be forwarded to the Secretary of the Interior after which he will, upon consideration of the complete record, prescribe appropriate regulations which will be duly published in the FEDERAL REGISTER.

Amendment of the regulations is proposed because of several important changes in the act of February 25, 1920, effected by the act of August 8, 1946 (Public Law 696, 79th Cong.). Tentative drafts of proposed regulations are attached as Appendices A and B. Copies of the proposed regulations may be obtained from the Bureau of Land Management, Washington, D. C., and the manager of the district land office, Denver, Colo., and Cheyenne, Wyo.

APPENDIX A

PART 191—GENERAL REGULATIONS APPLICABLE TO MINERAL PERMITS, LEASES AND LICENSES (PARTS 192 TO 198, INCLUSIVE)

GENERAL PROVISIONS

Sec.
191.1 Purpose of the leasing acts.
191.2 Lands and deposits to which mineral leasing act does not apply.
191.3 Who may hold leases and permits.
191.4 Rights of aliens.
191.5 Reserved or segregated lands.
191.6 Special stipulations for lands in national forests and reclamation projects.
191.7 Multiple development, or other disposition, of land.
191.8 Interests held in common.
191.9 Survey of lands for leasing.
191.10 Simultaneous applications for lease.
191.11 Filing fees.
191.12 Disposition of fees.
191.13 Payments of rentals and royalties.
191.14 Bonds with individual sureties.

ROYALTY AND RENTAL RELIEF; SUSPENSION OF OPERATIONS AND PRODUCTION

Sec.
191.25 Waiver, suspension, or reduction of rental or minimum royalty or reduction of royalty on coal, oil and gas leases.
191.26 Suspension of operations and production and suspension of rental payments.
191.27 Applicability of relief.

LEASING OF MINERALS DEVELOPED BY GOVERNMENTAL AGENCY TO AID IN PROSECUTING WORLD WAR II

191.40 Leases to Governmental agency or its assigns.

AUTHORITY: §§ 191.1 to 191.27, inclusive and section 191.40 issued under 41 Stat. 450, 44 Stat. 302, 44 Stat. 1058, 30 U. S. C., 189, 275, 285, Act of August 8, 1946 (Public law No. 696, 79th Congress).

GENERAL PROVISIONS

The following text is substituted for Part 191:

§ 191.1 *Purpose of the leasing acts.* The act of February 25, 1920 (41 Stat. 437; 30 U. S. C. sec. 181), as amended and supplemented, including the amendatory act of August 8, 1946 (Public Law 696, 79th Congress); the act of February 7, 1927 (44 Stat. 1057; 30 U. S. C. 281–287) and the act of April 17, 1926 (44 Stat. 301; 30 U. S. C. 271–276) as amended, hereinafter called "the act," provide for the leasing of oil and gas, coal, potassium, sodium, phosphate and oil shale and lands containing such deposits owned by the United States in the public domain and deposits of sulphur and the public lands containing such deposits in the States of Louisiana and New Mexico, except as stated in § 191.2.[1]

§ 191.2 *Lands and deposits to which mineral leasing act does not apply.* The mineral leasing act does not apply to lands containing the mineral deposits named in § 191.1 where such lands are situated in (a) national parks and monuments; (b) forests created under the Act of March 1, 1911 (36 Stat. 961; 16 U. S. C. 513–519) known as the Appalachian Forest Reserve Act; (c) Indian reservations; (d) incorporated cities, towns and villages, or (e) lands in military or naval reservations.

§ 191.3 *Who may hold leases and permits.* Mineral prospecting permits and mineral leases may be issued only to (a) citizens of the United States; (b) associations of such citizens; (c) corporations organized under the laws of the United States or of any State or Territory thereof; or (d) in the case of coal, oil, oil shale, or gas, municipalities.

§ 191.4 *Rights of aliens.* Aliens may not acquire or hold any direct interest in permits or leases, but may own stock in corporations holding permits or leases, if the laws of their country do not deny similar or like privileges to citizens of the United States. A corporate applicant must make a full disclosure of the residence and citizenship of its stockholders. If any appreciable percentage of its stock is held by aliens of the excepted class, its application will be denied.

§ 191.5 *Reserved or segregated lands.* All leases issued under the act for lands embraced in a reservation or segregated for any particular purpose shall provide that the lessee shall conduct operations in conformity with such requirements as may be made by the Director, Bureau of Land Management for the protection and use of the land for the purpose for which it was reserved or segregated, so far as may be consistent with the use of the land for the purpose of the lease, which latter shall be regarded as the dominant use unless otherwise provided or separately stipulated.

§ 191.6 *Special stipulations for lands in national forests and reclamation projects.* Applicants for permits, leases and licenses for lands in national forests will be required to consent to the inclusion therein of the stipulation on Form 4–216 relating to camp sites. Where the land has been withdrawn for reclamation purposes the applicant may be required to consent to the inclusion of a stipulation on Form 4–467 if the lands are potentially irrigable, or Form 4–467 (a) if the lands are within the flow limits of a reservoir site, or Form 4–467 (b) if the lands are within the drainage area of a constructed reservoir. Other conditions may be imposed, if deemed necessary, to protect the lands withdrawn for reclamation purposes.

§ 191.7 *Multiple development, or other disposition, of land.* The granting of a permit or lease for the prospecting, development or production of deposits of any one mineral will not preclude the issuance of other permits or leases for the same land for deposits of other minerals with suitable stipulations for simultaneous operation, nor the allowance of applicable entries, locations, or selections of the leased lands with a reservation of the mineral deposits to the United States.

§ 191.8 *Interests held in common.* An association shall not be deemed to exist between the parties to a contract for development of leased lands, whether or not coupled with an interest in the lease, nor between co-lessees, but each party to any such contract or each co-lessee will be charged with his proportionate interest in the lease. No holding of acreage in common in excess of the maximum acreage specified in the law for any one lessee or permittee for the particular mineral deposit so held will be permitted.

§ 191.9 *Survey of lands for leasing.* Before a lease will issue for unsurveyed lands containing phosphates, oil shale, sodium or potassium the lands involved must be surveyed by the Government at the expense of the applicant for lease. To secure such a survey, the applicant must obtain from the appropriate regional cadastral engineer an estimate of the cost of the survey and deposit with him the estimated amount. After the survey has been accepted and the plat filed in the district land office the application will be adjusted to the resulting subdivisions and the cost of the survey will be ascertained by prorating the total cost of surveying the township to the area to be leased. The amount thus ascertained will be credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor or his authorized representative.

§ 191.10 *Simultaneous applications for lease.* Where applications received by mail or filed over the counter at the same time are in conflict the right of priority of filing will be determined by public drawing in the manner provided in § 295.8 (d) of this chapter. No notice to the applicants will be required but the manager will post notice showing the date and hour of the drawing in a conspicuous place in his office for a period of five days prior to such date.

§ 191.11 *Filing fees.* All applications for prospecting permits, leases, or licenses under the act must be accompanied by a minimum filing fee of $10 for each application embracing not more than 800 acres, and an additional fee of $2 for each 160 acres or fraction thereof over 800 acres, but where under the rule of approximation the application includes more than 2,560 acres, no additional fee is required for the acreage in excess of 2,560 acres.

§ 191.12 *Disposition of fees.* Filing fees paid under the act will be applied as earned by the manager of the district land office immediately upon a determination that the lands are subject to lease, permit or other right. If the lands are not subject to the application the fees will be returned, except those paid with applications for coal leases, permits or licenses which will be returned only after the applicant has furnished an affidavit stating that he has not mined any coal from the land embraced in the rejected application for which payment has not been made or that fact has been otherwise determined.

§ 191.13 *Payments of rentals and royalties.* Rentals and royalties under all leases and permits issued under the act shall be paid to the manager of the district land office for the land district in which the leased lands are situated. In States where there are no district land offices such payments shall be filed with the Director, Bureau of Land Management. All remittances shall be made payable to the Treasurer of the United States and shall be accompanied by a letter of transmittal on Form 4–974 (oil and gas) or Form 4–976 (coal, potash, etc.). The transmittal letter shall be in triplicate and shall be completely filled out and signed by the payer.

§ 191.14 *Bonds with individual sureties.* Where surety bonds are tendered with individuals as sureties they must be executed by not less than two qualified individual sureties to cover compliance with all terms and conditions of the lease or permit or the applicable law or regulation. Each surety must execute a statement showing that he is worth in real property not exempt from execution, double the sum specified in the undertaking, over and above his just debts and liabilities and that he is either a resi-

[1] Coal deposits in Alaska are not covered by these acts but may be disposed of under the act of October 20, 1914 (38 Stat. 742, 48 U. S. C. 434), as amended by the Act of March 4, 1921 (41 Stat. 1363, 48 U. S. C. 444), relating solely to Alaska, and the regulations in § 70.2–70.29 of this Title.

dent of the same State and the United States Judicial District as the principal on the bond, or of the State and the Juidicial District in which the lands involved are located. There also must be furnished a certificate by a judge or clerk of a court of record, a United States attorney, a United States Commissioner, or a United States postmaster, as to the identity, signature, and financial competency of the sureties. All bonds furnished with individual sureties will be examined every two years, or at any other time when found advisable, and the principal on the bond will be required to furnish new statements of justification by the sureties and a new certificate of financial competency, and if such sureties are unable to qualify additional security will be required. The statement of justification required to be furnished by the sureties, and the certificate of competency should be on Form 4–215.

ROYALTY AND RENTAL RELIEF; SUSPENSION OF OPERATIONS AND PRODUCTION

§ 191.25 *Waiver, suspension, or reduction of rental or minimum royalty or reduction of royalty on coal, oil and gas leases.* In order to encourage the greatest ultimate recovery of coal, oil, or gas and in the interest of conservation, the Secretary of the Interior whenever he determines it necessary to promote development or finds that the leases cannot be successfully operated under the terms provided therein may waive, suspend, or reduce the rental or minimum royalty or reduce the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

An application for any of the above benefits shall be filed in triplicate in the office of the oil and gas supervisor for oil and gas leases or the office of the mining supervisor for coal leases. It must contain the serial number of the leases and land district, the name of the record title holder and operator or sublessee and the description of the lands by legal subdivision.

Each application involving oil or gas shall show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than six months prior to the date of filing the application of the aggregate amount of oil or gas subject to royalty computed in accordance with the oil and gas operating regulations, the number of wells counted as producing each month, and the average production per well per day.

Each application involving coal shall show the number and location of each mine, a map showing the extent of the underground mining operations, a tabulated statement of the coal mined and subject to royalty for each month covering a period of not less than 12 months next prior to the date of filing of the application, and the average production per day mined for each month.

Every application must contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products, and all facts tending to show whether the wells or mines can be successfully operated upon the royalty or rental fixed in the lease. Where the application is for a reduction in royalty full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid, efforts made to reduce them, and agreements of the holders of the lease and of royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

§ 191.26 *Suspension of operations and production and suspension of rental payments.* When the Secretary of the Interior in the interest of conservation directs or assents to the suspension of all operations and production on any lease issued under the act no payment of acreage rental or minimum royalty prescriped in the lease is required during such period of suspension. Any such suspension if granted shall be effective beginning with the first day of the lease month following the date of filing of written application for such suspension in triplicate in the office of the oil and gas supervisor for oil and gas leases and the mining supervisor for all other mineral leases, and ending with the first day of the lease month in which relief is terminated in writing by the Secretary of the Interior or the respective supervisor. Where rentals have been paid in advance proper credit will be allowed on the next rental or royalty payment due under the lease. Complete information must be furnished showing the necessity for suspension of operation and production in the interest of conservation.

As to oil and gas leases, no suspension of operations and production and consequent suspension of rentals will be granted on any lease in the absence of a well capable of production on the leasehold except where the Secretary directs a suspension of operations in the interest of conservation.

The term of a lease shall be extended by adding thereto any period of suspension of operations and production assented to or directed by the Secretary of the Interior.

The minimum annual production requirements of a lease issued under the act for coal, phosphate, potassium, sodium or oil shale shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary of the Interior in the interest of conservation.

§ 191.27 *Applicability of relief.* The relief authorized under §§ 191.25 and 191.26 may be obtained for any oil and gas leases issued under the act, including those within an approved unit or cooperative plan of development and operation.

LEASING OF MINERALS DEVELOPED BY GOVERNMENTAL AGENCY TO AID IN PROSECUTING WORLD WAR II

§ 191.40 *Leases to Governmental agency or its assigns.* Except as otherwise provided by law, any mineral deposits (other than for oil and gas) and public lands containing such deposits which are subject to disposition under the provisions of the act, the production from which has been used by any Federal agency in connection with the prosecution of World War II, may be leased to the agency controlling the facilities using such production, or to any purchaser or lessee of such facilities, by negotiation, or by requiring the agency, its purchaser or lessee to meet the highest competitive bid received under sealed bids for such lease.

APPENDIX B

PART 192—OIL AND GAS LEASES

GENERAL PROVISIONS

COOPERATIVE CONSERVATION PROVISIONS

ISSUANCE OF LEASES

RENTALS AND ROYALTIES

BONDS

AUTHORITY: §§ 192.1 to 192.161, inclusive, issued under 41 Stat. 450, 30 U. S. C. 189, Act of August 8, 1946 (Public Law 696, 79th Congress).

GENERAL PROVISIONS

The following text is substituted for Part 192: [1]

§ 192.1 *Applicability of amendatory act to existing leases.* The provisions of the act of August 8, 1946 (Public Law 696, 79th Congress) apply to leases issued prior to the date of that act only where the amendatory act so provides. Pursuant to the provisions of section 15 of that act, the owner of any lease issued prior thereto who wishes to avail himself of the provisions of the act which are not applicable to his lease because in conflict with rights granted under it may do so by filing on or before December 31, 1947, together with the consent of surety if there be a bond on the lease, an election to have his lease governed by the amendatory act. An election so filed shall constitute a relinquishment of all provisions of the lease in conflict with the provisions of the amendatory act and the regulations in this part. No right of election however will be recognized if not exercised within the time specified.

§ 192.2 *Helium.* The ownership of and the right to extract helium from all gas produced from lands leased or otherwise disposed of under the act have been reserved to the United States. Appropriate provision is made in leases with respect to the recovery of helium.

§ 192.3 *Acreage limitations on leases.* No person, association or corporation may hold more than 15,360 acres in any one State, whether directly through the ownership of leases or interests in leases, or indirectly as a member of an association or associations or as a stockholder of a corporation or corporations holding leases, or interests therein, or both. No lease will be issued and no assignment will be approved until it is satisfactorily shown that the lessee or assignee is entitled to hold the acreage.

§ 192.4 *Acreage limitations on options.* (a) Acreage held under a nonrenewable option, valid only for two years, for the purpose of geological or geophysical exploration, entered into June 1, 1946, or later, shall not be chargeable under § 192.3, but no optionee may hold options at any one time for more than 100,000 acres in any one State.

(b) No such option shall be taken for more than two years without the prior approval of the Secretary of the Interior. Where it is sought to obtain such options for a period of more than two years, an application should be filed with the Director, Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application by the Secretary.

(c) No acreage shall be chargeable under options taken prior to June 1, 1946, on which geological or geophysical exploration has been actually made on or prior to August 8, 1946, if exercised prior to August 9, 1948, but no such option not so exercised will be recognized by the Department, thereafter, for any purpose.

(d) Each optionee must file with the Director, Bureau of Land Management, within 90 days after December 31 and June 30 of each year, a statement under oath showing as of the prior December 31 and June 30, respectively, (1) name of optioner and serial number of lease or application for lease subject to the option, (2) date and expiration date of each option, (3) number of acres covered by each option, and (4) aggregate number of options held in each State and total acreage thereof.

(e) If the report shows that the optionee holds options in excess of the prescribed limitation, he will be given 30 days within which to file proof of surrender of the options on the excess acreage.

§ 192.5 *Lands within one mile of naval petroleum or helium reserves.* No application for an oil and gas lease under the act will be granted for land within one mile of the exterior boundaries of a naval petroleum or a helium reserve, unless the land is being drained of its oil or gas deposits or helium content by wells on privately owned land or unless it is determined by the Secretary, after consultation with the head of the agency exercising jurisdiction over the reserve, that operations under such a lease will not adversely affect the reserve through drainage from known productive horizons.

§ 192.6 *Boundaries of known geologic structures and productive limits of producing oil or gas fields and deposits.* The Director of the Geological Survey will determine the boundaries of the known geologic structures of producing oil or gas fields and, where necessary to effectuate the purposes of the act, the productive limits of producing oil or gas deposits as such limits existed on August 8, 1946. Maps or diagrams showing by legal subdivision the boundaries of known geologic structures of producing oil or gas fields and of the productive limits of producing oil or gas deposits will be placed on file in the appropriate district land office, and office of the oil and gas supervisor.

§ 192.7 *Agreements to compensate for drainage.* Upon a determination that lands owned by the United States are being drained of oil or gas by wells drilled on adjacent lands, the Director, Bureau of Land Management, may negotiate agreements with the owners of adjacent lands whereby the United States, or the United States and its lessees, shall be compensated for such drainage, such agreements to be made with the consent of any lessee affected thereby. The precise nature of any agreement negotiated will depend on the conditions and circumstances involved in the particular case.

§ 192.8 *Protection of leased lands from drainage.* Where land in any lease is being drained of its oil or gas content by a well either on a Federal lease issued at a lower rate of royalty or on land not the property of the United States, the lessees must drill and produce all wells necessary to protect the leased lands from drainage. In lieu of drilling such wells, the lessee may, with the consent of the Director of the Geological Survey, pay compensatory royalty in the amount determined in accordance with 30 CFR sec. 221.21.

A period equal to that for which compensatory royalty is paid on any Federal lease, under this or the preceding section, in lieu of the drilling requirement therein shall be added to its primary term where there is no producing well on the lease.

COOPERATIVE CONSERVATION PROVISIONS

§ 192.20 *Cooperative or unit plans.* [2] The act authorizes lessees and their representatives to unite with each other, or jointly or separately with others, in collectively adopting and operating under a cooperative or unit plan of development or operation of any oil or gas pool, field, or like area, or any part thereof (whether or not any part of such pool, field, or like area is then subject to any cooperative or unit plan of development or operation). The agreement must be for the purpose of more properly conserving the natural resources of any such oil or gas pool, field, or area covered thereby and must be determined and certified by the Secretary of the Interior to be necessary or advisable in the public interest. The Secretary, with the consent of the lessees, is authorized to establish, alter, change or revoke drilling, producing, rental, minimum royalty, and royalty requirements of the leases and to make such regulations with reference to such leases as he may deem necessary or proper to

[1] Leases heretofore issued until an election is filed as provided for in these regulations shall continue to be governed by the pertinent provisions of the regulations heretofore in force as well as by these regulations to the extent that they are applicable.

[2] For the extension of leases committed to a unit plan, see § 192.122.

secure the protection of the public interest. All leases committed to any unit or cooperative plan approved or prescribed by the Secretary of the Interior shall be excepted in determining acreage charges.

§ 192.21 *Application for approval of plan.* The procedure in obtaining approval of a cooperative or unit plan of development, including suggested text of an agreement acceptable to the Department, is contained in 30 CFR Part 226, "Unit or Cooperative Agreements". All applications to utilize and all documents incident thereto shall be filed in the office of the oil and gas supervisor, Geological Survey, for the region in which the unit area is situated.

§ 192.22 *Communitization or drilling agreements.* The Secretary is authorized when separate tracts under lease cannot be independently developed and operated in conformity with an established well-spacing or well-development program, to approve communitization or drilling agreements for the lease or any portion thereof with other lands, whether or not owned by the United States, when in the public interest. Operations or production pursuant to such an agreement shall be deemed to be operations or production as to each lease committed thereto.

Preliminary requests to communitize separate tracts shall be filed in triplicate with the oil and gas supervisor and executed agreements shall be submitted in sufficient number to permit retention of five copies by the Department after approval.

The agreement shall describe the separate tracts comprising the drilling or spacing unit, shall show the apportionment of the production or royalties to the several parties and the name of the operator, and shall contain adequate provisions for the protection of the interests of all parties, including the United States. The agreement must be signed by all parties and will be effective only after approval by the Secretary of the Interior.

§ 192.23 *Approval of operating, drilling or development contracts without regard to acreage limitations.* The authority of the Secretary to approve operating, drilling, or development contracts without regard to acreage limitations ordinarily will be exercised only to permit operators or pipe-line companies to enter into contracts with a number of lessees sufficient to justify operations on a large scale for the discovery, development, production, or transportation of oil or gas and to finance the same.

A contract submitted for approval under this provision should be filed with the Director, Bureau of Land Management, together with enough copies to permit retention of 5 copies by the Department after approval. It should be accompanied by a statement showing all the interests held by the contractor in the area or field and the proposed or agreed plan of operation or development of the field. All the contracts held by the same contractor in the area or field should be submitted for approval at the same time, and full disclosure of the project made. Complete details must be furnished in order that the Secretary may have facts upon which to make a definite determination in accordance with the provisions of the act, and prescribe the conditions on which approval of the contracts is made.

§ 192.24 *Combinations for joint operation of refinery, or for transportation of oil.* Upon obtaining the approval of the Secretary, lessees may combine their interests in leases for the purpose of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees, or to increase the acreage which may be acquired or held under the competitive provisions of section 17 of the act. An application under this section, together with enough copies to permit retention of 5 copies by the Department after approval, should be filed with the Director, Bureau of Land Management. The application must show a reasonable need for the combination and that it will not result in any concentration of control over the production or sale of oil and gas which would be inconsistent with the anti-monopoly provisions of the law.[3]

§ 192.25 *Subsurface storage of oil or gas.* In order to avoid waste or to promote conservation of natural resources, the Secretary of the Interior, upon application by the interested parties, may authorize the subsurface storage of oil or gas, whether or not produced from federally owned lands, in lands leased or subject to lease under the act. Such authorization will provide for the payment of such storage fee or rental on the stored oil or gas as may be determined adequate in each case, or, in lieu thereof, for a royalty other than that prescribed in the lease when such stored oil or gas is produced in conjunction with oil or gas not previously produced. Any lease used for the storage of oil or gas shall be extended for the period of such storage and so long thereafter as oil or gas not previously produced is produced in paying quantities.

Applications for subsurface storage shall be filed in triplicate with the oil and gas supervisor and shall disclose the ownership of the lands involved, the parties in interest, the storage fee, rental, or additional royalty offered to be paid for such storage and all essential information showing the necessity for such project. Enough copies of the final agreement signed by the parties in interest shall be submitted for the approval of the Secretary to permit retention of 5 copies by the Department after approval.

ISSUANCE OF LEASES

§ 192.40 *Classes and term.* All lands subject to disposition under the act which are known or believed to contain oil or gas may be leased by the Secretary of the Interior. When within the known geologic structure of a producing oil or gas field, such land may be leased only by competitive bidding and in units of not exceeding 640 acres to the highest responsible qualified bidder at a royalty of not less than 12½ per cent. Leases for not to exceed 2,560 acres, in reasonably compact form, may be issued for all other land subject to the act to the first qualified applicant at a royalty of 12½ per cent. Hereafter, all leases, except those issued as renewals of 20 year leases, will be issued for a primary term of five years and so long thereafter as oil or gas is produced in paying quantities.

§ 192.41 *Leases for lands wholly or partly within unit areas.* Before issuance of an oil and gas lease for lands within an approved unit agreement, the lease applicant or successful bidder must file evidence that he has entered into an agreement with the unit operator for the development and operation of the lands in his lease under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable he will be permitted to operate independently but will be required to conform to the terms and provisions of the agreement with respect to such operations.

In case an application for lease embracing lands partly within and partly without the exterior boundaries of a unitized area is found allowable, separate leases will be issued, one embracing the lands within the unit area, and one the lands outside of such area.

Non-competitive Leases

§ 192.42 *Applications for noncompetitive leases.* Applications for noncompetitive leases may be filed in the proper district land office or, for lands or deposits in States in which there is no district land office, in the Bureau of Land Management, addressed to the Director of the Bureau of Land Management. All applications must be accompanied by the filing fee prescribed in § 191.11 of this chapter and at least one-half of the first year's rental. Any application not accompanied by the minimum fee and rental payment will be rejected. No specific form of application is required and no blanks will be furnished. An application executed by an attorney in fact must be accompanied by the power of attorney and the applicant's own statement as to his citizenship and acreage holdings.

The application must contain in substance the following:

(a) The applicant's name and address.

(b) A statement as to citizenship: In case of an individual, whether native born or naturalized and, if naturalized, date of naturalization, court in which naturalized, and number of certificate, if known; if a woman, whether she is married or single; if married, the date of her marriage and the citizenship of her husband; if a corporation, by certified copy of the articles of incorporation and a showing as to residence and citizenship of the stockholders; if 20 per cent or more of the stock of any class is owned or controlled by any one stockholder, a separate showing of his citizenship and holdings. In case any of the stock of the corporation is held by aliens,

[3] Rights-of-way for oil and gas pipe lines may be granted as provided for in §§ 244.56–244.61 of this Title.

a showing is required giving the name, the country to which each owes allegiance and the amount of stock held by each. Proof of the authority of the officer who makes the application must be furnished.

(c) A statement of the interests, direct and indirect, held by the applicant in oil and gas leases, and applications therefor on public lands in the same State, identifying the records wherein such interests may be found.

(d) Description of the lands for which a lease is desired, describing the lands by legal subdivisions or, if unsurveyed, by metes and bounds description connected with a corner of the public surveys by courses and distances.

(e) A statement that the applicant is ready upon demand to pay the remainder of the rental and to furnish such bond or bonds as may be required under the lease or regulations.

§ 192.43 *Simultaneous applications for lands in canceled leases and permits.* Where oil and gas leases are canceled involving lands not within a known geologic structure of a producing oil or gas field, the cancellation will be noted on the tract book as effective at 9 o'clock a. m. on the tenth business day after such notation, and notice of the opening, including the land description, will be posted in a conspicuous place in the district land office during the 10-day period.

Conflicting applications filed by mail or otherwise after the notice is posted and prior to the hour of opening will be considered as filed simultaneously; and their priority will be determined by a public drawing following the procedure prescribed in § 295.8 (d) of this chapter, except as hereinafter otherwise provided.

Each applicant will be notified of the date and hour of the drawing and required within 15 days to pay a drawing fee of $10 and to furnish a statement that the application is filed solely on his own behalf and not for any other person, association, or corporation, either in whole or in part. If any applicant fails to comply with the requirements, his application will not be entered in the drawing but will be rejected without further notice. If only one applicant complies with the requirements of this paragraph, no drawing will be held and the fee will be returned.

§ 192.44 *Form of lease.* Noncompetitive leases will be executed on Form 4–213a.

Competitive Leases

§ 192.50 *Designation and offer of lands for lease by competitive bidding.* The lands and deposits subject to disposition under the act which are within the known geologic structure of a producing oil or gas field will be divided into leasing blocks or tracts in units of not exceeding 640 acres each, which shall be as nearly compact in form as possible, and offered for lease at a royalty and rental to be specified in the notice of sale, to the qualified person who offers the highest bonus by competitive bidding either at public auction, or by sealed bids as provided in the notice of sale.

§ 192.51 *Notice of lease offer.* Notice of the offer of lands for lease will be by publication once a week for five consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation in the county in which the lands or deposits are situated, or in such other publications as the Director, Bureau of Land Management, may authorize. The notice will be published at the expense of the Government. A copy of the notice will be posted in the district land office during the period of publication. Such notice will set the day and hour of sale and will state whether the lease is offered by sealed bids or at public auction. If by public auction, the offer will be made at the land office of the district in which the lands are situated, or at such other place as may be fixed in the notice. If by sealed bids, full information will be given as to how and when the bids are to be submitted. All bidders are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909 (35 Stat. 1099; 18 U. S. C. 113), prohibiting unlawful combination or intimidation of bidders.

§ 192.52 *Qualifications of successful bidder.* The successful bidder at a sale by public auction must deposit with the manager of the district land office or other officer conducting the sale on the day of sale, and each bidder, if the sale is by sealed bids, must submit with his bid the following: Certified check on a solvent bank, or cash, for one-fifth of the amount bid by him; proof of citizenship as required in § 192.42 (b) and a statement of interests held in leases and applications therefor as required in § 192.42 (c).

§ 192.53 *Award of lease.* Following receipt of the report of the auction from the manager, or the opening of the sealed bids, the Director will either award the lease to the successful bidder or reject all bids, notice of which will be forthwith transmitted to the interested parties through the local office. If the lease be awarded, three copies of the lease will be sent to the successful bidder and he will be required within 30 days from receipt thereof to execute them, pay the balance of his bonus bid, the first year's rental, and file a $5,000 bond as required in § 192.100. If any bid be rejected, the deposit will be returned by Government check. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under this act.

If two or more units are awarded to any bidder, such units, where the acreage does not exceed 640 acres, may be included in a single lease if circumstances warrant.

§ 192.54 *Form of lease.* Competitive leases will be issued on Form 4–213b.

Exchange and Renewal Leases

§ 192.60 *Application to exchange lease for a new lease.* Any lease which issued for a term of 20 years, or any renewal thereof, or which issued in exchange for a 20-year lease prior to August 8, 1946, may be exchanged for a new lease. Such new lease will be issued for a primary term of 5 years and so long thereafter as oil or gas is produced in paying quantities and will contain the rental and royalty rates prescribed in §§ 192.80, 192.81 and 192.82. An application to exchange a lease for a new lease should be filed in triplicate by the lessee with the manager of the appropriate district land office and must show full compliance by the applicant with the terms of the lease and applicable regulations.

§ 192.61 *Application for renewal.* Twenty year leases or renewals thereof may be renewed for successive terms of 10 years at the rental and royalty rates specified for such renewal leases in §§ 192.80, 192.81 and 192.82. An application to renew should be filed in triplicate with the manager of the district land office in which the leased land is located or if in a State in which there is no district land office, in the Bureau of Land Management at least 90 days, but not more than six months, prior to the expiration of its term. Such application should be made by the record title holder or holders of the lease and may be joined in or consented to by the operator of record. The application should show whether all moneys due the United States have been paid and whether operations under the lease have been conducted in accordance with the regulations of the Department.

The applicant or his operator shall furnish in triplicate with the application for renewal, copies of all agreements not theretofore filed providing for overriding royalties or other payments out of production from the lease which will be in existence as of the date of its expiration. When such payments, including overriding royalties, are in excess of 5 per cent of gross production a detailed statement of the income from and costs of operation of the lease for the twelve month period immediately preceding the month in which the application for renewal is filed must also be furnished.

§ 192.62 *Action on application.* If the outstanding obligations payable from production do not constitute a burden on the lease prejudicial to the interests of the United States, they will not be considered a bar to its renewal but any lease that issues shall be upon the condition, to be incorporated in the lease, that if and when the costs of operations, including the payment of overriding royalties or payments out of production, shall be determined by the Director, Bureau of Land Management, to constitute such a burden such royalties and payments shall be reduced to not more than 5 per cent of the value of the production. If no objection to the renewal of the lease appears, copies of a renewal lease, in triplicate, dated the first day of the month in which the original lease terminated, will be forwarded to the lessee for execution. If upon receipt of the executed lease forms and a satisfactory lease bond, the lease is executed, one copy thereof will be delivered to the lessee.

If a determination is made that overriding royalties and payments out of production in excess of 5 per cent of gross production constitute a burden on lease operations to the extent that proper and timely development will be retarded, or

continued operation of the lease impaired, or premature abandonment of the wells caused, the lease application will be suspended and the parties in interest will be offered an opportunity to reduce the excessive overriding royalties or other payments out of production to not more than 5 per cent of the value of the production. If the holders of outstanding overriding royalty or other interests payable out of production, the operator, and the lessee are unable to enter into a mutually fair and equitable agreement, any of the parties may apply for a hearing at which all interested parties may be heard and written statements presented. Thereupon a final decision will be rendered by the Department outlining the conditions acceptable to it as a basis for a fair and reasonable adjustment of the excessive overriding royalties and other payments out of production, and an opportunity will be afforded within a fixed period of time to submit proof that such adjustment has been effected. Upon failure to submit such proof within the time so fixed, the application for renewal will be denied.

§ 192.63 *Form of lease.* Exchange leases will be issued on Form 4–213c; and renewal leases on Form 4–973.

Leases on Patented or Entered Land

§ 192.70 *Preference right of patentee or entryman to a lease.* An entryman or patentee who made entry prior to February 25, 1920, or an assignee of such entryman or patentee if the assignment was made prior to January 1, 1918, for lands not withdrawn or classified or known to be valuable for oil and gas at date of entry shall be entitled, if the entry or patent is impressed with a reservation of the oil or gas, to a preference right to a lease for the land. A settler whose settlement was made prior to February 25, 1920, on land in the same status but which has since been withdrawn, classified or is known to contain oil or gas, also has such a preference right.

Any applicant for a lease to lands owned, entered or settled upon as stated above must notify the entryman, patentee or settler of the filing of the application and of the latter's preference right for 30 days after notice to apply for a lease. If the party entitled to a preference right files a proper application within the 30 day period he will be awarded a lease, but if he fails to do so, his rights will be considered to have terminated.

§ 192.71 *Lands in entries or claims not impressed with a reservation of oil and gas.* Where an application is filed to lease lands in an entry or settlement claim not impressed with an oil or gas reservation, the application will be rejected unless it is found that the land is prospectively valuable for oil or gas. An applicant for a lease for land already embraced in a nonmineral entry without a reservation of the mineral, and likewise a nonmineral entryman or settler who is contending that the land is nonmineral in character should submit with their respective applications or showings as complete and accurate geologic data as may be procurable, preferably the reports and opinions of qualified experts.

Should the land be found to be prospectively valuable for oil or gas, the entryman or settler will be required to consent to a reservation of the oil or gas to the United States or to contest the mineral finding. If he does neither the entry will be canceled or his settlement rights denied. If he consents, or contests the finding and is unsuccessful, a lease will be granted to the applicant, unless the entryman or settler has a preference right, but if the entryman or settler prevails in a contest, the application will be rejected.

§ 192.72 *Showing required of oil and gas applicants for unsurveyed lands.* Every applicant for oil and gas lease for unsurveyed lands, must state in his application that there are no settlers upon the land, or if there be settlers, give the name and post office address of each and a description of the lands claimed, by metes and bounds and approximate legal subdivisions.

RENTALS AND ROYALTIES

§ 192.80 *Rentals.* Rentals shall be payable in advance at the following rates:

(a) On leases wholly outside of the known geologic structure of a producing oil or gas field, for the first and each succeeding lease year, except the second and third lease years for which no rental is payable, a rental of 50 cents per acre.

(b) On leases wholly or partly within the known geologic structure of a producing oil or gas field:

(1) If noncompetitive and not committed to a unit plan, beginning with the first lease year after all or part of the land is included in such a structure and for each year thereafter, prior to a discovery of oil or gas on the leased lands, an annual rental of $1 per acre.

(2) If noncompetitive and committed to an approved cooperative or unit plan which includes a well capable of producing oil or gas and contains a general provision for allocation of production; for lands not within the participating area, 50 cents per acre for the first and each succeeding year.

(3) If competitive, an annual rental, prior to a discovery on the leased lands, of $1 per acre unless a different rate of rental is prescribed in the lease.

§ 192.81 *Minimum royalty.* From and after August 8, 1946, a minimum royalty of $1 per acre shall be payable at the expiration of each lease year on all leases after a discovery has been made on the leased lands, commencing with the lease year beginning on or after the date of such discovery, except that on unitized leases the minimum royalty shall be payable only on the participating acreage.

§ 192.82 *Royalty on production.* (a) On and after August 8, 1946, the following royalty rates shall be paid on the production removed or sold from leases:

(1) 12½ per cent on noncompetitive leases thereafter issued.

(2) Such rates as are prescribed in the notice of sale in the case of all leases thereafter issued by competitive bidding.

(3) 12½ per cent on all leases theretofore issued, except competitive leases, and on exchange and renewal leases thereafter issued, as to production from:

(i) Land determined by the Director, Geological Survey, not to be within the productive limits of any oil or gas deposit on August 8, 1946.

(ii) An oil or gas deposit which was discovered after May 27, 1941, by a well or wells drilled within the boundaries of the lease and which is determined by the Director, Geological Survey, to be a new deposit.

(iii) Or allocated to a lease pursuant to an approved unit or cooperative agreement from an oil or gas deposit which was discovered on unitized land after May 27, 1941, and determined by the Director, Geological Survey, to be a new deposit, but only if at the time of discovery the lease or, in the case of an exchange lease, the lease for which it was exchanged was committed to the agreement or was included in a duly executed and filed application for approval of the agreement.

(4) Form lands within exchange and renewal leases not subject to subparagraph (3) of this paragraph the rate of royalty shall be identical to that prescribed in the prior lease, except that for a lease issued in exchange for or as a renewal of a lease carrying a flat royalty rate of 5 per cent to the United States the royalty shall be as follows:

(i) When the average production of oil for the calendar month in barrels per well per day is:

not over 110 the royalty shall be 12½%.
over 110 but not over 130 the royalty shall be 18% of all production.
over 130 but not over 150 the royalty shall be 19% of all production.
over 150 but not over 200 the royalty shall be 20% of all production.
over 200 but not over 250 the royalty shall be 21% of all production.
over 250 but not over 300 the royalty shall be 22% of all production.
over 300 but not over 350 the royalty shall be 23% of all production.
over 350 but not over 400 the royalty shall be 24% of all production.
over 400 the royalty shall be 25% of all production.

(ii) On gas, including inflammable gas, helium, carbon dioxide, and all other natural gases and mixtures thereof, and on natural or casinghead gasoline and other liquid products obtained from gas; when the average production of gas per well per day for the calendar month does not exceed 5,000,000 cubic feet, 12½ per cent; and when the production of gas exceeds 5,000,000 cubic feet, 16⅔ per cent of the amount or value of the gas and liquid products produced.

(5) In the case of competitive leases, and other leases theretofore issued, in so far as subparagraphs (3) and (4) of this paragraph are inapplicable, the rates specified in the lease.

(b) The average production per well per day for oil and gas shall be determined pursuant to 30 CFR, Part 221, "Oil and Gas Operating Regulations."

(c) In determining the amount or value of gas and liquid products produced, the amount or value shall be net after an allowance for the cost of manufacture. The allowance for cost of manufacture may exceed two-thirds of the amount or value of any product only on approval by the Secretary of the Interior.

(d) The Secretary of the Interior may establish reasonable minimum prices for purposes of computing royalty in value on any or all oil, gas, natural gasoline, and other liquid products obtained from gas but in no case shall the price so established be less than the estimated reasonable value of the product, due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices and to other relevant matters.

§ 192.83 *Limitation of overriding royalties.* No overriding royalty interests, whether in the form of payments out of production or otherwise, aggregating in excess of 5 per cent shall be created except in a lease where the royalty payable to the United States is less than 12½ per cent. In such a lease the total royalty including that payable to the Government shall not exceed 17½ per cent. Contracts for payments out of production shall not be construed to create an overriding royalty obligation where they provide that the obligation to make such payments shall be effective only during those periods when the average daily production from the lease is in excess of 15 barrels of oil per well per day.

BONDS

§ 192.100 *Amount of bonds required of lessees.* The successful bidder for a competitive lease prior to the issuance of the lease must furnish a corporate surety bond in the sum of $5,000 conditioned on compliance with all the terms of the lease. All noncompetitive leases shall provide that a general lease bond in the penal sum of not less than $5,000 conditioned upon compliance with all lease terms, shall be furnished prior to the beginning of drilling operations on leased land and that such a bond must also be filed when all or any part of the leased land is within the limits of a known geologic structure of a producing oil or gas field. Bonds shall be either corporate surety bonds or individual bonds, the latter accompanied by a deposit of negotiable Federal securities in a sum equal at their par value to the amount of the bond and by a proper conveyance to the Secretary of full authority to sell such securities in case of default in the performance of the conditions of the lease bond.

Until a general lease bond is filed a noncompetitive lessee will be required to furnish and maintain a bond in the penal sum of not less than $1,000 in those cases in which a bond is required by law for the protection of the owners of surface rights. In all other cases where a $5,000 bond is not required, a $1,000 bond must be filed for compliance with the lease obligations not less than 90 days before the due date of the next unpaid annual rental, but this requirement may be successively dispensed with by payment of each successive annual rental not less than 90 days prior to its due date. The acceptance of a $5,000 bond shall terminate any prior $1,000 bond on the same lease, except as to then existing defaults. This and other special-purpose bonds involving penal sums less than $5,000 may be furnished with approved corporate surety or individual bonds, or bonds with individual sureties as provided in § 191.16 of this chapter.

CONTINUATION OR EXTENSION OF LEASES [4]

§ 192.120 *Single extension as to lands not in a producing field.* The record title holder of any noncompetitive lease maintained in compliance with the law and these regulations, by filing his application therefor within the period of 90 days prior to the expiration date of the lease, may obtain a single extension of the lease for an additional five years, unless then otherwise provided by law, for all of the leased lands which, on the expiration date of the lease, are not within the known geologic structure of any producing oil or gas field or have not been withdrawn from leasing. A withdrawal, however, will prevent an extension only if notice thereof was mailed to the lessee by registered mail at least 90 days prior to such expiration date and if actual drilling operations on the leased lands are not being diligently prosecuted on that date.

§ 192.121 *Continuation of lease as to lands within producing fields and on termination of production.* (a) Any noncompetitive lease or portion thereof which is not subject to a single extension of five years solely because the lands are within the known geologic structure of a producing oil or gas field at the date of expiration of the primary term of the lease shall continue in effect for a period of two years from the expiration date of the primary term of the lease where drilling operations are being diligently prosecuted on such date.

(b) Any lease issued under the act upon which production is had during its primary term or any extensions thereof, shall not terminate when the production ceases if diligent drilling operations are in progress on the leased land during the period of nonproduction.

§ 192.122 *Extension for term of cooperative or unit plan.* Any lease issued for a term of 20 years, or any renewal thereof committed to a cooperative or unit plan approved by the Secretary of the Interior, or any portion of such lease so committed, shall continue in force so long as committed to the plan, beyond the expiration date of its primary term. This provision does not apply to that portion of any such lease which is not included in the cooperative or unit plan unless the lease was so committed prior to August 8, 1946.

Any other lease issued under any section of the act committed to any such plan that contains a general provision for the allocation of oil or gas shall continue in effect as to the land committed so long as the lease remains subject to the plan, provided oil or gas is discovered under the plan prior to the expiration date of the primary term of such lease.

[4] For extension of lease (a) because of suspension of operations and production, see § 191.26 of this title; (b) by payment of compensatory royalty, see § 192.8; (c) committed to communitization or drilling agreement, see § 192.22; (d) used for subsurface storage, see § 192.25; (e) segregated by assignment, see § 192.144.

§ 192.123 *Extension of lease eliminated from cooperative or unit plan or communitization or drilling agreement and of lease in effect at termination of such plan or agreement.* Any lease or portion thereof eliminated from any approved or prescribed cooperative or unit plan or from any communitization or drilling agreement authorized by the act, and any lease in effect at the termination of such plan or agreement, unless relinquished, shall continue in effect for the original term of the lease, or for two years after its elimination from the plan or agreement or the termination thereof, whichever is the longer, and so long thereafter as oil or gas is produced in paying quantities.

ASSIGNMENTS OR TRANSFERS

§ 192.140 *Assignments or transfers of leases or interests therein.* Leases may be assigned or subleased as to all or part of the leased acreage and as to either a divided or undivided interest therein to any person or persons qualified to hold a lease. Subject to final approval by the Director, Bureau of Land Management, assignments or subleases shall take effect as of the first day of the lease month following the date of filing in the proper land office of all the papers required by §§ 192.141 and 192.142. No assignment will be approved if the assignee is not qualified to take and hold a lease or if his bond is insufficient. An assignment of a separate zone or deposit or of a part of a legal subdivision will not be approved.

§ 192.141 *Requirements for filing assignments or transfers.* All instruments of transfer of a lease or of an interest therein, including assignments of record title, working, or royalty interests, operating agreements and subleases, must be filed for approval within 90 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto, together with evidence of the qualifications of the assignee or transferee, consisting of the same showing required of a lease applicant by § 192.42 (b) and (c). If a bond is necessary, it must be furnished. Where an assignment does not create separate leases, the assignee, if the assignment so provides, may become a joint principal on the bond with the assignor. If any overriding royalty or payments out of production are created which are not shown in the instrument, a statement must be submitted describing them. Assignments of record title interests must be filed in triplicate. A single executed copy of all other instruments of transfer is sufficient.

The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

The lease account must be in good standing when the assignment and bond

are filed, or must be placed in good standing before approval will be given.

§ 192.142 *Separate assignments required for transfer of record titles to leases.* A separate instrument of assignment must be filed for each oil and gas lease when transfers involve record titles. When transfers to the same person, association, or corporation, involving more than one oil and gas lease are filed at the same time for Departmental approval, one request for approval and one showing as to the qualifications of the assignee will be sufficient.

§ 192.143 *Effect of assignment of particular tract.* When an assignment is made of all or part of the record title to a portion of the acreage in a lease, the assigned acreage becomes segregated into a separate and distinct lease. The assignee becomes a lessee of the Government as to the segregated tract and is bound by the terms of the lease as though he had obtained the lease through an application filed in his own name and the assignment after its approval will be the basis of a new record.

§ 192.144 *Extension of leases segregated by assignment.* (a) Any lease segregated by assignment, including the retained portion, shall continue in effect for the primary term of the original lease, or for two years after the date of discovery of oil or gas in paying quantities upon any other segregated portion of the original lease, whichever is the longer period.

(b) Undeveloped parts of leases assigned out of leases which are in their extended term because of production shall continue in effect for two years and so long thereafter as oil or gas is produced in paying quantities.

§ 192.145 *Royalty interests in oil and gas leases and assignments thereof.* Royalty interests in oil and gas leases constitute holdings or control of lands and deposits within the meaning of the first sentence of section 27 of the act. Assignments of such interest must be filed for record purposes in the appropriate district land offices accompanied by a showing by the assignees as to their citizenship and holdings in other oil and gas leases in the state. All assignments of royalty interests must be filed for the record, but only those of more than 1 per cent will be approved and then only after discovery.

TERMINATION OF LEASES

§ 192.160 *Relinquishments of leases or portions thereof.* A lease or any legal subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate, in the proper land office. A relinquishment shall take effect on the date it is filed subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to place all wells on the land to be relinquished in condition for suspension or abandonment in accordance with the regulations and the terms of the lease. A statement must be furnished that all moneys due and payable to workmen employed on the leased premises have been paid.

§ 192.161 *Cancellation of lease.* Any lease not known to contain valuable deposits of oil or gas may be canceled by the Secretary of the Interior, after giving notice in accordance with section 31 of the act, for default in the performance of any of the terms of the lease if such default continues for the period prescribed in that section after service of notice thereof. Leases known to contain valuable deposits of oil or gas may be canceled only by judicial proceedings in the manner provided in sections 27 and 31 of the act.

OSCAR L. CHAPMAN,
Under Secretary of the Interior.

SEPTEMBER 11, 1946.

[F. R. Doc. 46-16719; Filed, Sept. 17, 1946; 9:49 a. m.]

NAVY DEPARTMENT.

[Certificate No. 2 (a)]

UNITED STATES NAVAL VESSELS

CERTIFICATION OF CERTAIN SPECIAL CONSTRUCTION NAVAL VESSELS

In the matter of United States Naval Vessels (C-104348, C-104349, C-104350, C-104351: ex Motor Torpedo Boats; PT 729, PT 730, PT 795, PT 796).

Whereas, the act of December 3, 1945 (Public Law 239, 79th Congress) provides that any requirement as to the number, position, range of visibility or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said act of December 3, 1945, shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with statutory requirements as to the number, position, range of visibility or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of the four naval vessels, C-104348, C-104349, C-104350, C-104351, has been made by the Navy Department, and as a result of such study, it has been determined that because of their special construction it is not possible for the four naval vessels designated above to comply with the requirements of the statutes enumerated in said act of December 3, 1945;

Now, therefore I, James Forrestal, Secretary of the Navy, as a result of the aforesaid study do hereby find and cercertify that naval vessels C-104348, C-104349, C-104350, C-104351, are naval vessels of special construction and that, on such vessels with respect to the position of the masthead light it is not possible to comply with the requirements of the statutes enumerated in the act of December 3, 1945. Further, I do find and certify that it is feasible to locate the masthead light in the afterpart of the vessel approximately fifty (50) feet from the bow at a height of not less than eight (8) feet nor more than thirteen (13) feet above the hull (measured vertically from the main deck to a point abreast the light). I further direct that the aforesaid light shall be located in the manner described and certify that such location constitutes compliance as closely with the applicable statutes as I hereby find to be feasible.

Dated at Washington, D. C., this 14th day of August A. D. 1946.

JAMES FORRESTAL,
Secretary of the Navy.

[F. R. Doc. 46-16711; Filed, Sept. 17, 1946; 8:56 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 1803]

PAN AMERICAN AIRWAYS DOMESTIC SERVICE

NOTICE OF HEARING

In the matter of the application of Pan American Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for a certificate of public convenience and necessity for air transportation of passengers, property, and mail on routes within the continental United States.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on October 30, 1946, at 10 a. m. (eastern standard time) in Conference Room B, Departmental Auditorium, Washington, D. C., before Examiner William J. Madden.

Dated: September 12, 1946, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-16705; Filed, Sept. 17, 1946; 8:48 a. m.]

[Docket No. 679 et al.]

NORTHWEST AIRLINES, INC., DETROIT-WASHINGTON SERVICE

NOTICE OF HEARING

In the matter of application of Northwest Airlines, Inc., and other applications for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on October 15, 1946, at 10 a. m. (eastern standard time) in Conference Room A, Departmental Auditorium, Constitution Avenue between 12th and 14th Sts., N. W., before Examiner Edward T. Stodola.

Dated: Washington, D. C., September 12, 1946.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 46-16704; Filed, Sept. 17, 1946; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Delegation Order 1]

BOARD OF COMMISSIONERS

DELEGATION OF AUTHORITY

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of September 1946,

It appearing that a quorum of the Commission may not be present, for the period specified below,

It is ordered, Pursuant to § 1.105 (11 F. R. 177A–404), of the Commission's rules and regulations, that for the period September 12 to December 12, 1946, inclusive, all powers and duties authorized under § 1.106 of the said rules and regulations be, and they are hereby assigned to a Board of Commissioners consisting of all Commissioners present and able to act.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 40–16774; Filed, Sept. 17, 1946; 8:47 a. m.]

[Designation Order 1]

MOTIONS COMMISSIONER

DESIGNATION TO OFFICE

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 11th day of September 1946;

It is ordered, Pursuant to § 1.111 (11 F. R. 177A–404), of the Commission's rules and regulations, that Ray C. Wakefield, Commissioner be, and he is hereby designated as Motions Commissioner, from September 11, 1946 to September 30, 1946, inclusive.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc. 46–16698; Filed, Sept. 17, 1946; 8:47 a. m.]

SOUTHWEST BROADCASTING CO. (KOKO)

PROPOSED TRANSFER OF CONTROL

The Commission hereby gives notice that on September 3, 1946, there was filed with it an application (B5–TC–507) for its consent under section 310 (b) of the Communications Act (47 U. S. C. A. 310) to the proposed transfer of control of The Southwest Broadcasting Company, licensee of Radio Station KOKO, La Junta, Colorado, from Leonard E. Wilson, Elizabeth M. Wilson, O. C. Samuel, and Charles T. Miller to Stanley M. Schultz, B. C. Bulson, L. R. Sanders, James R. Couey, A. G. Mason, R. P. Jones, P. P. Mickelson, E. W. Hinkel, W. S. Azar, E. O. Schoembs, Paul E. Whitesode, D. R. Kennedy, B. H. Shattuck and A. V. Berg (transferees) all of Trinidad, Colorado. The arrangements for transfer of control of Station KOKO are based upon a contract entered into August 7, 1946, between transferors and transferees, pursuant to which the former agreed to sell to the latter 183 shares of the common voting stock (out of 190 such shares issued and outstanding of said company) for a total consideration of $25,950.00, subject to terms and conditions shown more fully in the contract which is on file with the application at the offices of the Commission in Washington, D. C.

On July 25, 1946, the Commission adopted § 1.388 (11 F. R. 177A–416) indicating the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application. Pursuant thereto, the Commission was advised on September 9, 1946 that starting September 5, 1946 notice of the proposed transfer of control of KOKO will be published twice a week for three weeks in the "La Junta Tribune-Democrat", a newspaper of general circulation at La Junta, Colorado in conformity with said rule.

In accordance with the procedure proposed in the Crosley decision and that announced in the Commission's rule, no action will be had upon the Southwest Broadcasting Company application for a period of 60 days from September 5, 1946, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above-described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
Acting Secretary.

[F. R. Doc., 40–16697; Filed, Sept. 17, 1946; 8:48 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT–5519 and IT–5999]

BONNEVILLE PROJECT

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM BONNEVILLE PROJECT

SEPTEMBER 9, 1946.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, (1) certain new schedules of rates and charges for electric energy produced at the Bonneville Project, (2) certain modifications of the existing filed general rate schedule provisions, and (3) withdrawal of proposed wholesale power rate Schedule I–1 (Docket No. IT–5999).

The schedule of rates and charges submitted for confirmation and approval are:

WHOLESALE POWER RATE SCHEDULE A–5

Availability. This schedule applies to firm power delivered by the Administrator under appropriate contracts for terms of not less than one year at the power plants, or at a point or points adjacent thereto to be designated by the Administrator.

Power sold under this schedule for direct consumption shall be consumed within fifteen miles of the power plant, and power sold under this schedule for resale shall remain available only to a purchaser the principal part of whose load is consumed within fifteen miles of the power plant.

Rate. Power sold under this schedule shall be at the rate of $14.50 net per year per kilowatt of billing demand, billed monthly at one-twelfth of the annual rate.

Minimum charge. The net minimum monthly charge for service under this schedule shall be one-twelfth of $14.50 per kilowatt of contract demand.

Billing demand. The billing demand shall be the highest of the following demands:

(1) The contract demand.

(2) The highest measured demand for the billing period, adjusted for power factor.

(3) The computed demand for the billing period.

NOTE: Applies only where part of the load is supplied from other sources. See § 2.3 of General Rate Schedule Provisions.

(4) The highest measured demand (before adjustment for power factor) established during the preceding eleven billing periods after excluding (a) all measured demands for the months of May through September, and (b) the ten highest measured demands in each of the other months.

(5) The highest computed demand established during the preceding eleven billing periods after excluding all computed demands for the months of May through September.

Special space heating provision. The total charges for power delivered for resale for electric space heating purposes shall not exceed 4.5 mills per kilowatt-hour. Bills will be rendered monthly without regard to this provision and will be adjusted for the 12-month period ending with June of each year as provided in § 14.1 of the General Rate Schedule Provisions.

Curtailment by purchaser. In the case of purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, purchasing power under contracts which the purchaser has no option of cancelling for a term of ten years or more, payments for power may be curtailed in accordance with this provision. The Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed as to such plant or system for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice; *Provided, however*, That:

(a) In no event shall any suspension or curtailment be less than 10% of the contract demand;

(b) The total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 24% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the term of the contract by the number of months each contract demand is effective, assuming, in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term; and

(c) During the periods of suspension or curtailment the purchaser shall pay one-fourth of the charge otherwise applicable to the power load suspended or cutrailed up to 8% of the kilowatt-months obtained by the calculation in (b) above, shall pay one-half of the charge otherwise applicable to the power load suspended or curtailed in excess of 8% and up to 16% of the kilowatt-months

obtained by the above calculation, and shall pay three-fourths of the charge otherwise applicable to the power load suspended or curtailed in excess of 16% and up to 24% of the kilowatt-months obtained by the above calculation.

The power load suspended or curtailed shall be determined for each billing period as the difference between: (1) The billing demand determined in accordance with the factors stated under Billing Demand, without consideration of the notice of suspension or curtailment; and (2) the billing demand determined in accordance with the factors stated under Billing Demand, assuming that contract demand and the demand determined in accordance with Billing Demand factor (4) are reduced by the amount of curtailment or suspension which is currently effective, in accordance with notices given.

Subject to the provisions of this section the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Optional curtailment provision.—Purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, at their option, may contract to pay for power on the following basis:

(1) The purchaser will pay an additional amount of 10% of the rate stated above as an alternative to paying the amounts that might otherwise be due under the rate during periods of curtailment.

(2) In lieu of the above provisions under Curtailment by Purchaser, the following will apply:

(a) For billing periods ending on or before September 30, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be entirely suspended.

(b) For billing periods ending on or after October 1, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed for any billing period as to which the purchaser has noitfied the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice; *Provided, however,* That in no event shall any suspension or curtailment be less than 10% of the contract demand; *And provided further,* That the total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 20% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the contract term subsequent to September 30, 1949, by the number of months each such contract demand is effective, assuming in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term.

(c) The billing demand for each billing period as to which notice of suspension or curtailment has been given shall be determined under the provisions of this schedule assuming that (1) contract demand, and (2) the demand determined in accordance with Billing Demand factor (4) are reduced by the amount of curtailment or suspension which is currently effective in accordance with notices given.

(d) Subject to the provisions of subsection (2) (b) of this section the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of the resumption.

Power factor adjustment. The measured demand, before adjustment for power factor will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective. * * *

This proposed schedule will cancel Wholesale Power Rate Schedule A–4 except where such schedule is incorporated in existing contracts, and supersedes previously filed Wholesale Power Rate Schedule A–5, notice of which was given July 17, 1946.

WHOLESALE POWER RATE SCHEDULE C–5

Availability. This schedule applies to transmission system firm power delivered by the Administrator under appropriate contracts for terms of not less than one year.

Rate. Power sold under this schedule shall be paid for at the rate of $17.50 net per year per kilowatt of billing demand, billed monthly at one-twelfth of the annual rate.

Minimum charge. The net minimum monthly charge for service under this schedule shall be one-twelfth of $17.50 per kilowatt of contract demand.

Billing demand. The billing demand shall be the highest of the following demands:

(1) The contract demand.

(2) The highest measured demand for the billing period, adjusted for power factor.

(3) The computed demand for the billing period.

NOTE: Applies only where part of the load is supplied from other sources. See § 2.3 of General Rate Schedule Provisions.

(4) The highest measured demand (before adjustment for power factor) established during the preceding eleven billing periods after excluding (a) all measured demands for the months of May through September, and (b) the ten highest measured demands in each of the other months.

(5) The highest computed demand established during the preceding eleven billing periods after excluding all computed demands for the months of May through September.

Special space heating provision. The total charges for power delivered for resale for electric space heating purposes shall not exceed 4.5 mills per kilowatt-hour. Bills will be rendered monthly without regard to this provision and will be adjusted for the 12-month period ending with June of each year as provided in § 14.1 of the General Rate Schedule Provisions.

Curtailment by purchaser. In the case of purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, purchasing power under contracts which the purchaser has no option of cancelling for a term of 10 years or more, payments for power may be curtailed in accordance with this provision. The Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed as to such plant or system for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice: *Provided, however,* That:

(a) In no event shall any suspension or curtailment be less than 10% of the contract demand;

(b) The total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 24% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the term of the contract by the number of months each such contract demand is effective, assuming, in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term; and

(c) During the periods of suspension or curtailment the purchaser shall pay one-fourth of the charge otherwise applicable to the power load suspended or curtailed up to 8% of the kilowatt-months obtained by the calculation in (b) above, shall pay one-half of the charge otherwise applicable to the power load suspended or curtailed in excess of 8% and up to 16% of the kilowatt-months obtained by the above calculation, and shall pay three-fourths of the charge otherwise applicable to the power load suspended or curtailed in excess of 16% and up to 24% of the kilowatt-months obtained by the above calculation.

The power load suspended or curtailed shall be determined for each billing period as the difference between: (1) the billing demand determined in accordance with the factors stated under Billing Demand, without consideration of the notice of suspension or curtailment, and (2) the billing demand determined in accordance with the factors stated under Billing Demand, assuming that contract demand and the demand determined in accordance with Billing Demand factor (4) are reduced by the amount of curtailment or suspension which is currently effective, in accordance with notices given.

Subject to the provisions of this section the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Optional curtailment provision. Purchasers having no source of power for a particular plant or system other than that supplied by the Administrator, at their option, may contract to pay for power on the following basis:

(1) The purchaser will pay an additional amount of 10% of the rate stated above as an alternative to paying the amounts that might otherwise be due under the rate during periods of curtailment.

(2) In lieu of the above provisions under Curtailment by Purchaser, the following will apply:

(a) For billing periods ending on or before September 30, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be entirely suspended.

(b) For billing periods ending on or after October 1, 1949, the operation of the Minimum Charge and Billing Demand factors (1) and (4) provided for herein will be suspended or curtailed for any billing period as to which the purchaser has notified the Administrator not less than 30 days prior to the beginning of such billing period that it will be required to suspend or curtail its power load in such amount as the purchaser may specify in its notice: *Provided, however,* That in no event shall any suspension or curtailment be less than 10% of the contract demand, and provided further that the total amount of suspensions or curtailments specified in the purchaser's notices, expressed in kilowatt-months, shall not exceed 20% of the kilowatt-months obtained by multiplying the contract demands in effect from time to time over the contract term subsequent to September 30, 1949, by the number of months each such contract demand is effective, assuming in the absence of express contractual provisions to the contrary, the most recent contract demand to be effective for the balance of the contract term.

(c) The billing demand for each billing period as to which notice of suspension or curtailment has been given shall be determined

under the provisions of this schedule assuming that (1) contract demand, and (2)* the demand determined in accordance with Billing Demand factor (4) are reduced by the amount of curtailment or suspension which is currently effective in accordance with notices given.

(d) Subject to the provisions of subsection (2) (b) of this section the Administrator will resume in whole or in part the delivery of power load suspended or curtailed pursuant to this provision upon written request of the purchaser given not less than 30 days prior to the date of resumption.

Power factor adjustment. The measured demand, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective. * * *

This proposed schedule will cancel Wholesale Power Rate Schedule C–4 except where such schedule is incorporated in existing contracts, and supersedes previously filed Wholesale Power Rate Schedule C–5, notice of which was given July 17, 1946.

WHOLESALE POWER RATE SCHEDULE E–4

Availability. This schedule applies to at-site and transmission system firm power delivered to purchasers for resale and for irrigation and drainage pumping service.

Rate. Power shall be sold under this schedule at the following monthly rate applied separately to each separate electric system served, and within each system, separately to (1) power other than for irrigation and drainage pumping and (2) power for irrigation and drainage pumping:

Demand Charge: 75¢ net per kilowatt of billing demand.

Energy Charge:

First 200 kilowatt-hours per kilowatt of billing demand at 2 mills net per kilowatt-hour,

Additional kilowatt-hours at 1 mill net per kilowatt-hour.

Provided, That any separate billing shall not be less than 90% of the amount resulting from the application of the above charges to the entire requirements for the system or use to which the billing applies, and

Provided further, That, for a developmental period extending until (1) four years after cessation of present hostilities between the United States and Germany and Japan, or (2) three years after the date service is first rendered by the Administrator to a separate system, whichever is the later date, bills for power supplied to public bodies and cooperatives for other than irrigation and drainage pumping shall not exceed the higher of (1) 3.5 mills times the number of kilowatt-hours supplied or (2) 3.5 mills times 90% of the entire energy requirements of the system other than for irrigation and drainage pumping plus, in each case, any increase in demand charge due to power factor adjustment.

The 90% in each of the above provisos shall be subject to an appropriate adjustment in any case in which a purchaser is compelled to generate or purchase energy because of inability to obtain it from the Administrator.

Billing demand. I. For power other than for irrigation and drainage pumping the billing demand under this rate schedule shall be the higher of the following demands:

(1) The highest measured demand for the billing period adjusted for power factor;

(2) 80% of the highest measured demand after adjustment for power factor during the preceding eleven months.

II. For power for irrigation and drainage pumping the billing demand under this schedule shall be the highest measured demand for the billing period adjusted for power factor. In the case of distributors purchasing power under this schedule for resale to ultimate consumers, separate metering of power resold for irrigation pumping and drainage pumping may be impractical. In this event the purchaser shall submit to the Administrator data as to the connected load, energy consumption, power factor, and method of operation of the individual pumping installations, determined on the basis of suitable field tests. The measured demand, energy consumption and power factor of the combined pumping loads, with suitable allowances for losses between the point of supply and the point of delivery to ultimate consumers, shall be estimated on the basis of such data.

Special irrigation and drainage pumping provision. Irrigation and drainage pumping power will be provided on a firm power basis during the period May 1 through September 30 of each year, which period is hereafter called the "irrigation season." For the balance of the year service may be restricted at the discretion of the Administrator, except that drainage pumping power purchasers will not be restricted for periods exceeding a total of four hours in any one day. The Administrator will give such advance notice of any restrictions as is practicable, and will designate in advance the hours of the day when service to drainage pumping power purchasers is subject to restriction.

The purchaser will be billed monthly for irrigation and drainage pumping power in accordance with the rate specified herein except that:

(1) The total charges for such power during the "irrigation season" plus the demand charges for such power for months in the calendar year not included in the "irrigation season" shall not exceed $6.00 per kilowatt of the maximum billing demand during the calendar year. When the monthly demand and energy charges during the "irrigation season" plus the demand charges for other months in the calender year total $6.00 per kilowatt of such maximum billing demand, no further monthly charges will be billed during such "irrigation season" and no demand charges will be billed during the calendar year after the end of the "irrigation season," unless a higher billing demand occurs.

(2) In the case of purchasers whose billings during the calendar year are not affected by provision (1) above, the total demand charges for irrigation and drainage pumping power during the calendar year shall not exceed $4.50 per kilowatt of the maximum billing demand during the calendar year. The demand charge will be billed monthly at the rate of 75¢ per kilowatt of billing demand until the maximum annual demand charge has been paid, after which no further demand charges will be billed during the balance of the calendar year for such power unless a higher billing demand occurs.

Notwithstanding any other provisions of this schedule, the Administrator may include in contracts with purchasers of irrigation and drainage pumping power a provision requiring a minimum annual charge for such power based on load factor. At the end of the calendar year the purchaser shall be billed for any amount by which the total previous billings for the year fail to equal such required minimum annual charge.

Special space heating provisions. The total charges for power delivered for resale for electric space heating purposes shall not exceed 4.5 mills per kilowatt-hour. Bills will be rendered monthly without regard to this provision and will be adjusted for the 12-month period ending with June of each year as provided in § 14.1 of the General Rate Schedule Provisions.

Power factor adjustment. The measured demand, before adjustment for power factor, will be increased 1% for each 1% or major fraction thereof by which the average power factor is less than .95 lagging. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .95 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

Change to kilowatt-year rate schedule. Upon written application to the Administrator, any purchaser who has contracted for service under this rate schedule may change, under an appropriate new contract for the remainder of the original contract term, to the kilowatt-year schedule which is applicable subject to provisions of § 10.1 of the General Rate Schedule Provisions effective. * * *

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective. * * *

This proposed schedule will cancel Wholesale Power Rate Schedule E–3 except where such schedule is incorporated in existing contracts, and will supersede proposed wholesale Power Rate Schedule I–1.

WHOLESALE POWER RATE SCHEDULE F–4

Availability. This schedule applies to at-site and transmission system firm power delivered by the Administrator under appropriate contracts.

Rate. Power shall be sold under this schedule at the following monthly rate applied separately to each separate electric system served.

Demand Charge: 75¢ net per kilowatt of billing demand.

Energy Charge: First 360 kilowatt-hours per kilowatt of billing demand at 2.5 mills net per kilowatt-hour.

Additional kilowatt-hours at 1.0 mill net per kilowatt-hour.

If the number of kilowatt-hours billed at 1.0 mill per kilowatt-hour during any billing period is less than the number of kilowatt-hours resold by the purchaser to its customers during such period, for use in excess of 50% load factor or for off-peak use, at 2.5 mills or less per kilowatt-hour under rate schedules agreed to by the Administrator, the purchaser shall be entitled to a credit of 1.5 mills times the amount by which the kilowatt-hours so sold exceed the kilowatt-hours billed at 1.0 mill.

Minimum charge. The total net minimum monthly charge for service under this schedule shall be the higher of (1) 75¢ per kilowatt of contract demand, or (2) 75% of the highest demand charge billed during the preceding eleven months. The Administrator may include in contracts for the sale of power under this rate schedule a provision requiring a higher minimum charge based on load factor.

Billing demand. The billing demand under this rate schedule shall be the highest of the following demands:

(1) The contract demand,

(2) The highest measured demand for the billing period, adjusted for power factor,

(3) The computed demand for the billing period.

NOTE: Applies only when part of the load is supplied from other sources. See § 2.3 of General Rate Schedule Provisions.

Special space heating provision. The total charges for power delivered for resale for electric space heating purposes shall not exceed

4.5 mills per kilowatt-hour. Bills will be rendered monthly without regard to this provision and will be adjusted for the 12-month period ending with June of each year as provided in § 14.1 of the General Rate Schedule Provisions.

Power factor adjustment. If the average power factor at which power is delivered to the purchaser during the billing period is .85 or more, no adjustment will be made in the registered kilowatt demand. If such average power factor is less than .85, then the registered kilowatt demand shall be adjusted by multiplying by .85 and dividing the result by the average power factor. This adjustment may be waived in whole or in part to the extent that the Administrator determines that a power factor of less than .85 would in any particular case be advantageous to the Government. Unless specifically otherwise agreed, the Administrator shall not be obligated to deliver power to the purchaser at any time at a power factor below .75.

Change to kilowatt-year rate schedule. Upon written application to the Administrator, any purchaser who has contracted for service under this rate schedule may change, under an appropriate new contract for the remainder of the original contract term, to the kilowatt-year schedule which is applicable subject to provisions of § 10.1 of the General Rate Schedule Provisions effective. * * *

General provisions. Sales of power under this schedule shall be subject to the provisions of the Bonneville Project Act and the General Rate Schedule Provisions effective * * *.

This proposed schedule will cancel Wholesale Power Rate Schedule F–3 except where such schedule is incorporated in existing contracts.

GENERAL RATE SCHEDULE PROVISIONS

1.1 *Firm power.* Firm power is power which is always available except when operation of the facilities used by the Government to serve the Purchaser is suspended, interrupted, interfered with, or curtailed due to uncontrollable forces as defined herein.

2.1 *Contract demand.* The contract demand shall be the amount of power that the Administrator agrees to have available for delivery to the purchaser under the conditions stated in the rate schedule. The delivery of power in excess of contract demand shall in no event obligate the Administrator to continue to deliver power in excess of the contract demand. If at any time the Administrator notifies the purchaser that future delivery of power will be restricted, or restricts power delivery to a specific amount which he determines can be made available (not including temporary restrictions made necessary by emergency conditions) then, in determining subsequent bills such restricted demand shall be substituted for any higher ratcheted demand or current computed demand which would otherwise be applicable. This provision shall not be deemed to give the Administrator the right to restrict deliveries below contract demand.

2.2 *Measured demand.* Measured demand shall mean the purchaser's 30-minute registered demand as of the point of delivery, exclusive of any authorized takings of dump or secondary energy and of any abnormal non-recurring demands due to emergency conditions or causes reasonably beyond the purchaser's control; *Provided, however,* if the amount of firm power requested by the purchaser's dispatcher and scheduled for delivery by the Administrator exceeds the registered demand in any 30-minute period, then the amount of such scheduled power shall be the measured demand during such period.

If service is rendered to a purchaser at more than one point of delivery, the measured demand shall be determined separately for each point of delivery subject to the provisions of § 5.1 hereof.

In cases where power deliveries by the Administrator involve conditions under which the flow of power at the point or points of delivery cannot be adequately controlled by reason of interconnections with other systems which are in turn interconnected, directly or indirectly, with the Administrator's system, the measured demands will be determined for all delivery points combined on the basis of hourly schedules as mutually agreed upon between the respective dispatchers covering all points of delivery.

The dispatchers shall hold deviations from schedule to a minimum and shall correct therefor as promptly as possible under conditions approximately equivalent to the conditions under which the deviation occurred.

2.3 *Computed demand.* The computed demand shall be the largest difference during the billing period between the purchaser's 30-minute system load and the load which could have been carried by the purchaser's generating capacity (including assured capacity purchased or leased from others), assuming (a) normal and reasonable utilization, with reference to current load requirements, of the capacity and energy which would have been available based upon the most adverse water conditions of record (or estimated, if adequate records are not available covering a period of twenty years or more) for any period of twelve consecutive months and the most adverse fuel conditions reasonably to be anticipated, and (b) maintenance of reserve generating capacity sufficient to protect adequately the load which could have been carried by the purchaser's generating capacity. The Administrator will publish an interpretation of the methods and factors to be used in the determination of the computed demand under this provision. Each contract in which computed demand may be a factor in determining the billing demand shall incorporate a provision with respect to the principles and procedures to be followed in the calculations of computed demand, and shall also have attached to it as an exhibit a calculation of the computed demand of the purchaser for the period having the highest computed demand during the twelve months immediately preceding the effective date of the contract.

3.1 *Cooperative.* The term "cooperative" means any form of non-profit-making organization of citizens supplying, or which may be created to supply, members with any kind of goods, commodities, or services, as nearly as possible at cost.

3.2 *Public body.* The term "public body" means any state, public power district, county, or municipality, including agencies or subdivisions of any thereof.

3.3 *Administrator.* The term "Administrator" means the Bonneville Power Administrator or such other department, agency or official authorized by law to perform functions now performed by the Administrator, or any of their authorized agents.

4.1 *Character of service.* Power and energy supplied hereunder shall be 3-phase alternating current at approximately 60 cycles per second, or such other type of service as may be available.

5.1 *Point of delivery and delivery voltage.* Power and energy shall be delivered to each purchaser at such point or points and such voltage or voltages as are agreed upon by the Administrator and the purchaser. If service is rendered to a purchaser at more than one point of delivery, the amount of the charge for each power delivery shall be computed separately under the applicable rate schedule unless otherwise specifically provided in the contract in cases where (a) delivery at more than one point is advantageous to the Government, or (b) the flow of power at the several points of delivery is reasonably beyond the control of the purchaser. Delivery at more than one voltage shall constitute delivery at more than one point.

6.1 *Application of rates during initial operating period.* In order to promote the development of new industries, the Administrator, for an initial operating period beginning with the commencement of operation of a new plant or major addition to an existing plant, and extending for such period as may be reasonably required by the character of the operation but not to exceed three months, may agree (a) to establish the billing demand for service to such new plant or major addition on a daily basis, or (b) if such new plant or major addition is served by a public body or cooperative purchasing power therefor from the Administrator, to establish that portion of such public body's or cooperative's billing demand which results from service to such new plant or major addition on a daily basis. The initial operating period may, with approval of the Federal Power Commission, be extended beyond the initial three months' period for such additional time as the character of operations may reasonably require. During such initial operating period such rate schedule provisions regarding contract demand, billing demand, and minimum monthly charge as are inconsistent with this section will be inoperative.

7.1 *Energy used for experimental purposes.* In order to promote experimentation in new processing methods and in the development of new types of load within the market area of the project, the Administrator, for such time as may be reasonably required by the character of the experimentation, but not to exceed six months unless approval of the Federal Power Commission is first obtained, may sell the energy used solely for such experimentation in accordance with Wholesale Energy Rate Schedule H–3.

8.1 *Energy supplied for emergency and breakdown use.* A purchaser taking firm power shall pay in accordance with Wholesale Energy Rate Schedule H–3 for any energy which has been supplied (a) for an emergency or breakdown use, or (b) following an emergency or breakdown, to be used to replace energy secured from sources other than the Government during such emergency or breakdown.

9.1 *Billing.* Bills for power shall be rendered monthly and shall be payable at the office of the Administrator. In the event that the billing is for a fraction of a month the Administrator shall make an appropriate adjustment of the charges against the purchaser for such period. Failure to receive a bill shall not release the purchaser from liability for payment. If payment in full is not made on or before the close of business of the thirtieth day after the date of the bill, a delayed payment charge of two per cent (2%) of the unpaid amount of the bill will be made except in the case of bills rendered under contracts with other agencies of the United States.

The Administrator may, whenever a power bill or a portion thereof remains unpaid subsequent to the thirtieth day after the date of the bill, and after giving thirty days' advance notice in writing, cancel the contract for service to the purchaser, but such cancellation shall not affect the purchaser's liability for any charges accrued prior thereto.

Remittances received by mail will be accepted without assessment of the two per cent (2%) delayed payment charge provided the postmark indicates the payment was mailed on or before the thirtieth day after the date of the bill. If the thirtieth day after the date of the bill is a Sunday or a holiday, the next following business day shall be the last day on which payment may be made without the addition of the delayed payment charge.

10.1 *Change from one rate schedule to another.* When a purchaser changes from one rate schedule to another rate schedule, the demands established under the superseded rate schedule shall be considered in computing bills under the newly elected

rate schedule, in the same manner as if they had been established under the newly elected rate schedule.

11.1 *Approval of rates.* Schedules of rates and charges for electric energy produced at the Bonneville Project and sold to purchasers shall become effective only after confirmation and approval by the Federal Power Commission. Such rate schedules may be modified from time to time by the Administrator subject to confirmation and approval by the Federal Power Commission.

12.1 *Average power factor.* The formula for determining average power factor is as follows:

$$\text{Average power factor} = \frac{\text{Kilowatt-hours}}{\sqrt{(\text{Kilowatt-hours})^2 + (\text{Reactive kilovolt-ampere-hours})^2}}$$

In applying the above formula the meter for measurement of reactive kilovolt-ampere-hours will be ratcheted to prevent reverse registration.

13.1 *Uncontrollable forces.* The term Uncontrollable Forces means (a) strikes affecting the operation of the purchaser's works or system or other physical facilities upon which such operation is completely dependent, or of physical facilities used by the Government to serve the purchaser, or (b) failure, damage or destruction of such works, system or facilities from causes reasonably beyond the control of the party having jurisdiction thereof, which by the exercise of reasonable diligence such party could not reasonably have been expected to avoid. Each party shall notify the other immediately of any defect, trouble or accident which may in any way affect the delivery of power by the Government to the purchaser. In the event the operations of either party are suspended, interrupted, interfered with, or curtailed due to uncontrollable forces, such party shall exercise due diligence to reinstate such operations with all reasonable dispatch.

13.2 *Billing adjustments due to uncontrollable forces.* If operation of the customer's works or system or other physical facilities upon which such operation is completely dependent or if operation of physical facilities used by the Government to serve the purchaser is suspended, interrupted, interfered with, or curtailed due to uncontrollable forces, as defined herein, the charges for power shall be appropriately reduced.

14.1 *Special space heating provision.* This provision shall apply to all distributors who resell electricity to electric space heating consumers. For purposes of this provision an electric space heating consumer is defined as one utilizing electricity for substantially all his space heating requirements.

During July of each year any purchaser of firm power electing to be billed under this provision shall submit, with respect to its space heating load, a statement showing for each of the preceding 12 months the following data:

(a) The number of electric space heating consumers served at the end of each month,

(b) The total kilowatt-hours sold to such consumers in each month,

(c) The estimated kilowatt-hours sold to such consumers for electric space heating in each month,

(d) The estimated energy losses applicable to electric space heating sales between the point of supply and the point of delivery to consumers in each month,

(e) The estimated portion of the purchaser's billing demand in each month caused by the electric space heating uses of space heating consumers.

Data listed under (a), (b), and (c) above shall be subdivided between residential space heating and other space heating consumers. The Administrator will provide the purchaser with a standard method of estimating the data under (c), (d), and (e) above. If such standard method is not used, the purchaser shall submit a statement to the Administrator showing the method used.

From these data the Administrator will determine for each of the 12 months included in the period the bills for power after deducting the space heating load, giving consideration to any additional amounts which would be billed under the dump energy rate schedule. The difference between the firm power bills previously rendered and the amounts which would have been billed after deducting the space heating load will be determined. The purchaser will be credited with (or if service to the purchaser has terminated, will be paid) any amount by which this difference exceeds 4.5 mills per kilowatt-hour for estimated energy resold for electric space heating by space heating consumers after adjustment for losses.

15.1 *Determination of estimated billing data.* In cases where measured demand and energy purchased must be estimated from information on use of power by ultimate consumers, such as space heating uses and certain types of irrigation and drainage pumping uses, the Administrator shall review the data on consumer use of power submitted by the purchaser, and if any changes are deemed necessary, will advise the purchaser of the changes proposed. In the event that agreement cannot be reached as to the estimated billing demand, energy purchased or power, a binding determination shall be made by a committee composed of one member appointed by the Administrator, one member appointed by the purchaser, and, if necessary, one member selected by the two members so appointed who shall have no direct interest.

Any person desiring to make representation with respect to the foregoing should submit the same on or before November 1, 1946, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 46-16720; Filed, Sept. 17, 1946; 8:48 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 7146]

HEINRICH V. HOESSLIN, JR.

In re: Stock and bank account owned by Heinrich V. Hoesslin, Jr., also known as Heinrich V. Hoesselin, Jr. F-28-8318-A-1, F-28-8318-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Heinrich V. Hoesslin, Jr., also known as Heinrich V. Hoesselin, Jr., whose last known address is Hof A/Saale, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Thirty (30) shares of $100.00 par value 7% Preferred capital stock of Armour and Company of Delaware, a corporation organized under the laws of the State of Delaware, evidenced by Certificate Number 23307, and registered in the name of Heinrich V. Hoesselin, Jr., together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Heinrich V. Hoesslin, Jr., also known as Heinrich V. Hoesselin, Jr., by Continental Illinois National Bank and Trust Company of Chicago, 231 South La Salle Street, Chicago, Illinois, in the amount of $3,347.83, as of December 31, 1945, arising out of an Accumulated Cash Account held in said bank for redemption of the aforesaid stock, referred to in subsection 2 (a) above, in an account entitled Armour and Company of Delaware Pfd. Stk. Redemption of 9/22/43, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 17, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16722; Filed Sept. 17, 1946; 8:53 a. m.]

[Vesting Order 7191]

BOND AND MORTGAGE GUARANTEE CO.

In re: Mortgage Participation Certificate, No. 138674 in guaranteed first mortgage of Bond and Mortgage Guarantee Co., series 208315. File F-28-3538; ET sec. 4782.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All rights and interests evidenced by Mortgage Participation Certificate No. 138,674 issued and guaranteed by Bond and Mortgage Guarantee Company under Mortgage Series 208315, and the right to the transfer and possession of any and all instruments evidencing such rights and interests,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Julie Gruendler, Germany.

That such property is in the process of administration by William P. Thomas, Benjamin Antin and Henry G. McDonough, as Trustees under a declaration of trust dated February 28, 1938, acting under the judicial supervision of the Supreme Court, Bronx County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such persons be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account for accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 23, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16723; Filed, Sept. 17, 1946; 8:53 a. m.]

[Vesting Order 7261]

WILHELMINE DREWES ET AL.

In re: Cash owned by Wilhelmine Drewes, Adele Luetzelberger, Willi Granz, Anita Granz, Elfriede Letje, Robert Granz, Ernst Granz, Wilma Granz, Karl Granz, Alma Hoop, Walter Granz and Herbert Granz. File D-28-2496; E. T. sec. 3439.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Wilhelmine Drewes, Adele Luetzelberger, Willi Granz, Anita Granz, Elfriede Letje, Robert Granz, Ernst Granz, Wilma Granz, Karl Granz, Alma Hoop, Walter Granz and Herbert Granz whose last known addresses are Germany, are residents of Germany, and nationals of a designated enemy country (Germany);

2. That the property described as follows:

Those certain debts or other obligations owing to Wilhelmine Drewes, Adele Luetzelberger, Willi Granz, Anita Granz, Elfriede Letje, Robert Granz, Ernst Granz, Wilma Granz, Karl Granz, Alma Hoop, Walter Granz, and Herbert Granz by the First National Bank of Chicago, Illinois, arising out of savings accounts, Account numbers 1,371,881 to 1,371,892, inclusive, in the names of Wilhelmine Drewes, Adele Luetzelberger, Willi Granz, Anita Granz, Elfriede Letje, Robert Granz, Ernst Granz, Wilma Granz, Karl Granz, Alma Hoop, Walter Granz, and Herbert Granz, respectively, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on July 29, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16738; Filed, Sept. 17, 1946; 8:55 a. m.]

[Vesting Order 7380]

ELLEN HALL

In re: Estate of Ellen Hall, deceased. File D-11-97; E. T. sec. 15067; H-333.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Christina M. Natscheff, in and to the Estate of Ellen Hall, deceased,

is propery payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Christina M. Natscheff, Germany.

That such property is in the process of administration by Frank R. Greenwell, as Executor, acting under the judicial supervision of the Circuit Court, Third Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take ony one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16724; Filed, Sept. 17, 1946; 8:53 a. m.]

[Vesting Order 7391]

LEONHARD G. WINKLER

In re: Estate of Leonhard (Leonard) G. Winkler, deceased. File No. D-28-8803; E. T. sec. 13000.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Barbara Zielbauer, Mary Kistner, Margaret Gaar, George Winkler, Leonhard Winkler and Henry Winkler, and each of them, in and to the estate of Leonhard (Leonard) G. Winkler, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Barbara Zielbauer, Germany.
Mary Kistner, Germany.
Margaret Gaar, Germany.
George Winkler, Germany.
Leonhard Winkler, Germany.
Henry Winkler, Germany.

That such property is in the process of administration by the County Treasurer of Erie County, as Depositary, acting under the judicial supervision of the Surrogate's Court of Erie County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16725; Filed, Sept. 17, 1946; 8:53 a. m.]

[Vesting Order 7408]

GERTRUD WAGNER ET AL.

In re: Debts owing to Gertrud Wagner and others. F-28-23800-C-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That each individual, whose name and last known address is set forth in Exhibit A attached hereto and by reference made a part hereof, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: All those debts or other obligations owing to each individual, whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, by Detjen & Detjen, Attorneys at Law, 511 Locust Street, St. Louis 1, Missouri, including particularly but not limited to those sums of money on deposit with Mississippi Valley Trust Company, St. Louis, Missouri, in two (2) blocked accounts, entitled Detjen & Detjen, Blocked Account, Attorneys in Fact for 15 nationals of Germany, and Detjen & Detjen, Blocked Account, Attorneys for 102 nationals of Germany, and Attorneys for heirs of Henry Koelling, deceased, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 14, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name of National and Last Known Address

Gertrude Wagner, Kirchstrasse 2, Petershagen (Weser), Germany.
Margaret Stellhorn, Siegfried Strasse 77, Bielefeld, Germany.
Henriette Kroger, Hoerdinghausen, Hannover, Germany.
Mrs. Christian Schiermeyer, Amtstrasse Rahden IX, Germany.
Wilhelm Grutzedick, Saar Strasse 102, Homberg, Germany.
Gertrude Grutzedick, Saar Strasse 102, Homberg, Germany.
Elsa Grutzedick, Saar Strasse 102, Homberg, Germany.
Mrs. Otto Mackeldey, Kirchweg 71, Bremen, Germany.
Mrs. Albert Obel, also known as Mrs. Rehberg, Eulerstrasse 11, Berlin N., Germany.
Christian Grutzedick, Westerholterweg 130, Recklinghausen, Germany.
August Grutzedick, No. 37 near Levern, District Luebbeck (Westfalen), Germany.
Elisabeth Koebe, Ravensbergweg 26, Potsdam, Germany.
Bruno Laudner, Wollweberstrasse 14, Gollnow in Pommerania, Germany.
Emma Schulze, also known as Mrs. Marten G. Schulze, Viktoria Strasse 76 II, Potsdam, Germany.
Alfred Kettler, Friedhofstrasse 12, Berlin-Staaken, Germany.

[F. R. Doc. 46-16726; Filed, Sept. 17, 1946; 8:53 a. m.]

[Vesting Order 7411]

ADOLPH C. BEYERLINE

In re: Estate of Adolph C. Beyerline, deceased. File No. D-28-7562, E. T. sec. 7905.

Under the authority of the Trading With the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elizabeth Roepke, Henny Winzer, Bernhardt Beyerlein, Richard Hartmann, Auguste Beyerlein, Hedwig Beyerlein, Gertrud Mull, Gudrun Beyerlein, Walter Beyerlein, Gunther Beyerlein and Wilhelm Beyerlein, and each of them, in and to the estate of Adolph C. Beyerline, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elisabeth Roepke, Germany.
Henny Winzer, Germany.
Bernhardt Beyerlein, Germany.
Richard Hartmann, Germany.
Auguste Beyerlein, Germany.
Hedwig Beyerlein, Germany.
Gertrud Mull, Germany.
Gudrun Beyerlein, Germany.
Walter Beyerlein, Germany.
Gunther Beyerlein, Germany.
Wilhelm Beyerlein, Germany.

That such property is in the process of administration by the City National Bank and Trust Company, as Executor, acting under the judicial supervision of the Surrogate's Court of Fulton County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–16727; Filed, Sept. 17, 1946; 8:54 a. m.]

[Vesting Order 7420]

AMELIA PEASE

In re: Estate of Amelia Pease, deceased. File No. D–28–4122; E. T. sec. 7074.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Johanna Maria Helmerich, Leopold Helmerich, Anton Priller, Maria Priller Bitsch, Markus Priller, Maria Marquardt, Rosa Horn, (Johann) Ludwig Priller, Josefa Wimmer, Johann Henz, Kilian Henz, Adam Beck, Kunegunda Schuetz, Franz Meisner, Ludwig Meisner, Marianne Foester, Antonie Beck, and Otto Beck, and each of them, in and to the Estate of Amelia Pease, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Johanna Maria Helmerich, Germany.
Leopold Helmerich, Germany.
Anton Priller, Germany.
Maria Priller Bitsch, Germany.
Markus Priller, Germany.
Maria Marquardt, Germany.
Rosa Horn, Germany.
(Johann) Ludwig Priller, Germany.
Josefa Wimmer, Germany.
Johann Henz, Germany.
Kilian Henz, Germany.
Adam Beck, Germany.
Kunegunda Schuetz, Germany.
Franz Meisner, Germany.
Ludwig Meisner, Germany.
Marianne Foester, Germany.
Antonie Beck, Germany.
Otto Beck, Germany.

That such property is in the process of administration by the County Treasurer of the County of Monroe, as Depositary, acting under the judicial supervision of the Surrogate's Court of Monroe County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46–16728; Filed, Sept. 17, 1946; 8:54 a. m.]

[Vesting Order 7425]

DORA BABBE ET AL.

In re: Bank accounts owned by Dora Babbe, Hermann Babbe, Otto Babbe, Ernst Baden, Heinrich Baden, Hinrich Baden, Walter Baden, Karoline Blumenstock, Martha Borgwardt, Olga Bork, Katharine Brauer, Sophie Bruns, Max Buettner, Kaethe Nagel Buchholz, Richard Buck, and Simon Buck.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons listed in Exhibit A, attached hereto and by reference made a part hereof, whose last known addresses are as set forth opposite each name in Exhibit A, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to each individual whose name is set forth in Exhibit A, attached hereto and by reference made a part hereof, by The First National Bank of Chicago, Dearborn, Monroe and Clark Streets, Chicago, Illinois, arising out of savings accounts, the account numbers of which are set forth in the aforesaid Exhibit A, entitled in the manner set forth in the aforementioned Exhibit A, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 15, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Name of owner	Last known address	Title of account	Account number	APC file number
Dora Babbe	Hamburg, Germany	Dora Babbe	1,350,643	F-28-25089-E-1
Hermann Babbe	Gliddendorf, Germany	Hermann Babbe	1,350,645	F-28-25088-E-1
Otto Babbe	Gliddendorf, Germany	Otto Babbe	1,350,644	F-28-25087-E-1
Ernst Baden	Verden, Borstelerweg 77, Germany.	Ernst Baden	1,350,713	F-28-25085-E-1
Heinrich Baden	Schulern No. 36, Germany	Heinrich Baden	1,350,712	F-28-25083-E-1
Hinrich Baden	Borchdorf, Germany	Hinrich Baden	1,350,711	F-28-25084-E-1
Walter Baden	Hiddingen, Hannover, Germany	Walter Baden	1,350,715	F-28-25082-E-1
Karoline Blumenstock	Wermutshausen, Wuerttemberg, Germany.	Mrs. Karoline Blumenstock.	1,354,257	F-28-24918-E-1
Martha Borgwardt	Schwerin, Germany	Martha Borgwardt	1,350,742	F-28-25100-E-1
Olga Bork	Kirschberg, Wirsitz, Germany	Olga Bork	1,360,605	F-28-25099-E-1
Katharine Brauer	Germany	Katharine Brauer	1,339,306	F-28-25092-E-1
Sophie Bruns	Fallingbostek, Osterberg 86, Germany.	Sophie Bruns	1,350,710	F-28-25080-E-1
Max Buettner	Berlin, Germany	Max Buettner	1,368,871	F-28-25073-E-1
Kaethe Nagel Buchholz	Buchholz, Mittel Gerlachsheim, Germany.	Kaethe Nagel Buchholz.	1,375,582	F-28-25078-E-1
Richard Buck	Stuttgart, Germany	Richard Buck	1,350,140	F-28-25077-E-1
Simon Buck	Heutau, Germany	Simon Buck	1,350,139	F-28-25067-E-1

[F. R. Doc. 46-16729; Filed, Sept. 17, 1946; 8:54 a. m.]

[Vesting Order 7458]

EMILIE FRANK

In re: Estate of Emilie Frank, deceased. File No. D-28-7524; E. T. sec. 7782.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Dora Kietzmann in and to the Estate of Emilie Frank, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Dora Kietzmann, Germany.

That such property is in the process of administration by Sophie Bormann as executrix under the Will of Emilie Frank, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, State of New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

After having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy county" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16730; Filed, Sept. 17, 1946; 8:54 a. m.]

[Vesting Order 7466]

EBERHARDT KOHLER ET AL.

In re: Bank accounts owned by Eberhardt Kohler, Friedrich Kohler and Herman Kohler. F-28-3227-C-1, F-28-3227-E-1, F-28-3228-C-1, F-28-3228-E-1, F-28-3229-C-1, F-28-3229-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Eberhardt Kohler, Friedrich Kohler and Herman Kohler, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation owing to Eberhardt Kohler, by The Trust Company of New Jersey, 35 Journal Square, Jersey City 6, New Jersey, arising out of a savings account, Account Number 65103, entitled Eberhardt Kohler, maintained at the branch office of the aforesaid bank located at 3201 Bergenline Avenue, Union City, New Jersey, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Friedrich Kohler, by The Trust Company of New Jersey, 35 Journal Square, Jersey City 6, New Jersey, arising out of a savings account, Account Number 65101, entitled Friedrich Kohler, maintained at the branch office of the aforesaid bank located at 3201 Bergenline Avenue, Union City, New Jersey, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation owing to Herman Kohler, by The Trust Company of New Jersey, 35 Journal Square, Jersey City 6, New Jersey, arising out of a savings account, Account Number 65102, entitled Herman Kohler, maintained at the branch office of the aforesaid bank located at 3201 Bergenline Avenue, Union City, New Jersey, and any and all rights to demand, enforce and collect the same, and

d. That certain debt or other obligation of The Trust Company of New Jersey, 35 Journal Square, Jersey City 6, New Jersey, arising out of a savings account, Account Number 65593, entitled Philip F. Farley as attorney in fact for Friedrich Kohler, Herman Kohler and Eberhardt Kohler, maintained at the branch office of the aforesaid bank located at 3201 Bergenline Avenue, Union City, New Jersey, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eberhardt Kohler, Friedrich Kohler and Herman Kohler, the aforesaid nationals of a designated enemy country;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending

further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16731; Filed, Sept. 17, 1946; 8:54 a. m.]

[Vesting Order 7468]

ONE HUNDREDTH BANK, LTD.

In re: Bank account owned by One Hundredth Bank, Ltd. F-39-650-E-13.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That One Hundredth Bank, Ltd., the last known address of which is P. O. Box 305, Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to One Hundredth Bank, Ltd., by American Trust Company, 464 California Street, San Francisco, California, arising out of a demand deposit account, entitled One Hundredth Bank, Ltd., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16733; Filed, Sept. 17, 1946; 8:55 a. m.]

[Vesting Order 7474]

BABETTE FOELL

In re: Estate of Babette Foell, deceased. File No. D-28-3785; E. T. sec. 6418.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Wilhelmina Wuhrl, in and to the Estate of Babette Foell, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Wilhelmina Wuhrl, Germany.

That such property is in the process of administration by A. Louis Foell, as Executor, acting unde rthe judicial supervision of the Surrogate's Court of Erie County, New York;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16732; Filed, Sept. 17, 1946; 8:55 a. m.]

[Vesting Order 7469]

ONE HUNDREDTH BANK, LTD.

In re: Bank account owned by One Hundredth Bank, Ltd. F-39-650-E-14.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That One Hundredth Bank, Ltd., the last known address of which is Tokio, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to One Hundredth Bank, Ltd., by Security-First National Bank of Los Angeles, 6th & Spring Streets, Los Angeles 54, California, arising out of a checking account, entitled One Hundredth Bank, Ltd., and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an ap-

propriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16734; Filed, Sept. 17, 1946; 8:55 a. m.]

[Vesting Order 7472]

VICTOR ELECTRIC LAMP WORKS

In re: Bank account owned by Victor Electric Lamp Works. F-39-703-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Victor Electric Lamp Works, the last known address of which is Tokyo, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Japan and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to Victor Electric Lamp Works, by The National Bank of Commerce of Seattle, Second Avenue and Spring Street, Seattle, Washington, arising out of a suspense liability account, entitled Victor Electric Lamp Works, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16735; Filed, Sept. 17, 1946; 8:55 a. m.]

[Vesting Order 7477]

AMALIA KEHLER

In re: Estate of Amalia Kehler, deceased. File No. F-28-8730; E. T. sec. 1175.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gertrude Rubbel, and her issue, names unknown, Susanna Diefenbacher, and her issue, names unknown, Lina Schaefer, and her issue, names unknown, Emma Weller, and her issue, names unknown, Amalie Muller, and her issue, names unknown, and Elizabeth Herr, and her issue, names unknown, in and to the estate of Amalia Kehler, deceased,

is property payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Gertrude Rubbel, and her issue, names unknown, Germany.

Susanna Diefenbacher, and her issue, names unknown, Germany.

Lina Schaefer, and her issue, names unknown, Germany.

Emma Weller, and her issue, names unknown, Germany.

Amalie Muller, and her issue, names unknown, Germany.

Elizabeth Herr, and her issue, names unknown, Germany.

That such property is in the process of administration by Anna Gies, as Executrix of the Estate of Amalia Kehler, deceased, acting under the judicial supervision of the Surrogate's Court, County of Bronx, State of New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 21, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16736; Filed, Sept. 17, 1946; 8:55 a. m.]

[Vesting Order 7493]

ADOLPH MAX WEISSBACH

In re: Estate of Adolph Max Weissbach, also known as Max Weissbach, deceased. File No. D-28-9280; E. T. sec. 12182.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of

Arno Weissbach, Heinz Weissbach, Irmgard Weissbach, Arthur Weissbach, Gertrude Weissbach, Bertha Weissbach, Kurt Weissbach, Martha Muller, and Charlotte Muller, and each of them, in and to the Estate of Adolph Max Weissbach, also known as Max Weissbach, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Arno Weissbach, Germany.
Heinz Weissbach, Germany.
Irmgard Weissbach, Germany.
Arthur Weissbach, Germany.
Gertrude Weissbach, Germany.
Bertha Weissbach, Germany.
Kurt Weissbach, Germany.
Martha Muller, Germany.
Charlotte Muller, Germany.

That such property is in the process of administration by Herman L. Papadorf, as Executor of the Estate of Adolph Max Weissbach, also known as Max Weissbach, deceased, acting under the judicial supervision of the Surrogate's Court, Kings County, New York.

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 28, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16739; Filed, Sept. 17, 1946; 8:53 a. m.]

[Vesting Order 7609]

VENDA OVCHAROFF

In re: Insurance Policy Rights Owned by Venda Ovcharoff. File No. D-11-94; E. T. sec. 14845.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding;

That the property described as follows: The net proceeds due or to become due under a contract of insurance evidenced by Certificate No. EATY-4070 under Group Life Policy No. 3200-G covering employees of General Motors Corporation, Affiliated and Subsidiary Companies, issued by The Metropolitan Life Insurance Company, New York 10, New York, on the life of Tony Mik Ovcharoff, deceased, wherein Venda Ovcharoff is the designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Venda Ovcharoff together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance,

is property payable within the United States owned or controlled by, payable or deliverable to, held on behalf of, or owing to, or which is evidence of ownership or control by, a national of a designated enemy country, Bulgaria, namely,

National and Last Known Address

Venda Ovcharoff, Bulgaria.

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Bulgaria);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 12, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-16737; Filed, Sept. 7, 1946; 8:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1334]

FEDERAL LIGHT & TRACTION CO. ET AL.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 11th day of September 1946.

In the matter of Federal Light & Traction Company, Albuquerque Gas and Electric Company, New Mexico Power Company, the Las Vegas Light and Power Company, Deming Ice and Electric Company, File No. 70-1334.

Federal Light & Traction Company ("Federal"), a registered holding company, and its remaining operating utility subsidiaries, Albuquerque Gas and Electric Company ("Albuquerque"), New Mexico Power Company ("New Mexico"), The Las Vegas Light and Power Company ("Las Vegas") and Deming Ice and Electric Company ("Deming"), having filed applications and declarations and amendments thereto, pursuant to sections 6, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, with respect to (1) the merger of New Mexico, Las Vegas and Deming into Albuquerque under the name of Public Service Company of New Mexico ("Public Service") as the surviving corporation by virtue of which Public Service would acquire the assets of New Mexico, Las Vegas and Deming and become the obligor of the outstanding First Mortgage Bonds, 3½% Series due 1966 of each of the constituent companies and succeed them under each of the indentures securing said Bonds; (2) the issue by Public Service of 524,903 shares of $7 par value common stock; (3) the conversion of the outstanding shares of the common stocks of Albuquerque (19,760 shares, $100 par value), New Mexico (128,200 shares, no par value), Las Vegas (2,341 shares, $100 par value) and Deming (3,735 shares, $100 par value), all owned by Federal, into 281,241 shares, 166,616 shares, 29,895 shares and 47,151 shares, respectively, of the common stock of the surviving corporation, Public Service; and (4) the acquisition by Federal of the aforesaid shares of common stock of Public Service in exchange for its holdings of all of the outstanding shares of common stock of Albuquerque, New Mexico, Las Vegas and Deming; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its Findings and Opinion herein:

It is ordered, that the said applications and declarations, as amended, regarding the transactions summarized above be, and the same hereby are, granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the provisions of any outstanding orders issued pursuant to Section 11 (b) (1), with

respect to Federal Light & Traction Company and its subsidiaries.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 46-16710; Filed, Sept. 17, 1946; 8:47 a. m.]

[File No. 70-1343]

COLUMBIA GAS & ELECTRIC CORP.

MEMORANDUM OPINION AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

On August 28, 1946, we issued our order permitting to become effective a declaration of Columbia Gas & Electric Corporation ("Columbia") [1] proposing the issuance and sale at competitive bidding of $77,500,000 principal amount of Debentures due 1971 and $20,000,000 principal amount of Serial Debentures to mature serially at the rate of $2,000,000 principal amount in each of the years 1947 to 1956, inclusive. Our order was subject to the condition that the issue and sale of Debentures should not be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record and a further order entered, which order might contain such further terms and conditions as might then be deemed appropriate.

The proposed issue and sale of Debentures as noted in our previous finding is part of Columbia's program for refinancing its outstanding securities and for complying with the Commission's Order of November 30, 1944 pursuant to section 11 (b) (1) of the Act directing Columbia to dispose of its interests in substantially all of its subsidiaries other than those engaged in the production, transmission and distribution of gas and businesses incidental thereto. This program provided, among other things, for (a) the sale of Columbia's holdings of the common stock of The Dayton Power and Light Company ("Dayton") and The Cincinnati Gas & Electric Company ("Cincinnati"); (b) the sale of new debentures by Columbia; and (c) the use of the proceeds thus derived for the retirement of Columbia's outstanding debentures, bank loan notes and preferred and preference stocks, and for partially financing the construction requirements of subsidiaries. In total the cash required was estimated at $200,000,000. On June 13, 1946, Columbia disposed of the common stock of Dayton and received therefor approximately $51,500,000. On August 22, 1946, the Commission approved the disposition by Columbia of the common stock of Cincinnati through an underwritten offer to Columbia's common stockholders by means of warrants expiring on September 9, 1946. The proceeds of such sale will amount to approximately $50,500,000, leaving approximately $98,000,000 of Columbia's cash requirements to be supplied principally from the sale of Debentures.

Thus, in furtherance of its program, Columbia on August 30, 1946, in accordance with the authorization granted by our Order of August 28, 1946, publicly invited competitive bids to be submitted on September 9, 1946 for the underwriting of the proposed $77,500,000 principal amount of Debentures due 1971 and $20,000,000 principal amount of Serial Debentures. Pursuant to such invitation, two underwriting syndicates headed, respectively, by Morgan, Stanley & Co., Inc., and First Boston Corporation qualified with the company in accordance with the invitation for bids.

During the week prior to the date the bids were to be submitted, there was a general and sharp decline in stock market prices. The problems presented by this situation were the subject of informal discussions among the investment bankers, representatives of the company and the staff of this Commission. At the suggestion of the investment bankers, the date for opening bids was postponed by the company from September 9 to September 10, 1946. On September 9, 1946, a further severe decline in security prices occurred.

Thereupon, Columbia, after the close of the market on September 9, 1946, filed an application pursuant to Rule U-100 of the Commission's Rules and Regulations promulgated under the Public Utility Holding Company Act of 1935 requesting that the Commission except the proposed sale of the $77,500,000 principal amount of Debentures due 1971 from the competitive bidding requirements of Rule U-50. In its application the company stated that it was of the opinion that a better result might be achieved through negotiation with a group of investment bankers formed from the two groups which had heretofore qualified for bidding. This conclusion was reached after discussions with the bankers and was based on the view that, because of the state of the security market, the size and nature of the issue, and the uncertainty as to the amount of Cincinnati stock which would have to be acquired by the investment bankers,[2] there was a grave possibility that no bids or no satisfactory bids would be received for the Debentures due 1971. In such event Columbia felt that it might be forced to delay the proposed sale of Debentures for three months since its preferred stock is callable only at quarterly dividend dates. Such delay, in addition to involving a possible cost to Columbia in excess of $1,000,000 representing the difference between three months dividends on its preferred stocks and the previously assumed interest on the new debentures, also involved the possibility that, at the end of such period, market conditions would not be improved or might be less favorable.

In the light of the very unusual circumstances of the case, particularly in view of the size and nature of the issue and the prevailing market conditions, the Commission by minute order dated September 10, 1946, granted the application.

Columbia has now filed an amendment setting forth the results of the competitive bidding pursuant to Rule U-50 with respect to the $20,000,000 principal amount of Serial Debentures and the results of the negotiations with respect to the $77,500,000 principal amount of Debentures due 1971. A further hearing having been held before the Commission, we now make the following findings:

The amendment filed by Columbia states that, pursuant to the invitation for competitive bids with respect to this issue, bids for such Serial Debentures were submitted by The First Boston Corporation and by a group of underwriters headed by Morgan, Stanley & Co. Inc., as follows:

Underwriters	Interest rate	Price to company [1] (percent of principal amount)	Average annual cost to company
Morgan, Stanley & Co., Inc.	*Percent* 1⅞	99.052	*Percent* 2.058
The First Boston Corp.	2⅛	99.597	2.203

[1] Plus accrued interest.

The amendment further states that Columbia has accepted the bid of Morgan, Stanley & Co., Inc., for the Serial Debentures as set forth above and that the proposed offering prices to the public and the approximate yields to maturity are as follows:

Maturity	Offering prices per unit (percent of principal amount)	Approximate yield to maturity
1947	100.67	1.20
1948	101.03	1.35
1949	101.10	1.50
1950	100.87	1.65
1951	100.36	1.80
1952	99.86	1.90
1953	99.19	2.00
1954	98.35	2.10
1955	97.36	2.20
1956	96.66	2.25

The aggregate of the various offering prices to the public amounts to $19,908,660 for the Serial Debentures, resulting in a difference between the over-all price to the company and the offering prices to the public of $98,260 which represents a spread of .493%.

The amendment further states that as a result of the negotiations with respect to the $77,500,000 of the Debentures due 1971, it was agreed that the Debentures would bear a coupon rate of 3⅛%, and that the price to be paid to the company would be 99% of the principal amount of such Debentures, resulting in an annual cost of 3.1835% of such principal amount to Columbia. It is proposed that the Debentures be offered for sale to the public at the principal amount thereof plus accrued interest from September 1, 1946, resulting in an underwriter's spread equal to 1% of the principal amount of Debentures.

[1] Columbia Gas & Electric Corporation—S. E. C.—(1946), Holding Company Act Release No. 6866.

[2] The agreement entered into between Columbia and the underwriters with regard to the sale of the Cincinnati common stock provided that the underwriters would acquire at $26 per share, all of the 2,040,000 shares of common stock of Cincinnati not purchased through the exercise of purchase warrants on or before September 9, 1946. The record indicates that 592,475 shares were purchased through the exercise of warrants, thus requiring the underwriters to purchase 1,447,525 shares.

The record made at the adjourned hearing, in addition to including the terms of the underwriting agreements, set out above, covers the process of negotiation for the Debentures due 1971 between Columbia and the representatives of the underwriting syndicate and the considerations which each gave in arriving at the final agreement. The company indicated that although the price agreed upon was not as favorable as had been originally anticipated, such price was satisfactory, in view of all the circumstances.

On the basis of the entire record herein, we conclude that the declaration, as amended, should be permitted to become effective without the imposition of terms and conditions.

Wherefore, it is ordered, That said declaration, as amended, be, and the same hereby is, permitted to become effective subject to the terms and conditions prescribed in Rule U-24, and that the jurisdiction heretofore reserved over the payment of all legal fees and expenses of counsel in connection with the proposed transaction, including the fees and expenses of counsel for the bidders, be, and the same hereby is, continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 11, 1946.

[F. R. Doc. 46-16708; Filed, Sept. 17, 1946; 8:47 a. m.]

[File No. 70-1300]

AMERICAN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 11th day of September A. D. 1946.

American Gas and Electric Company ("American Gas"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, having filed a declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the following transactions:

On November 27, 1945, American Gas advanced on open account the sum of $750,000 in cash to Kentucky and West Virginia Power Company ("Kentucky"), a wholly owned electric utility subsidiary of American Gas which holds all of Kentucky's bonds and common and preferred stocks. On May 23, 1946, American Gas made a further advance on open account of $750,000 in cash to Kentucky. Such advances carried no interest and were for the stated purpose of enabling Kentucky to meet emergencies arising from its construction requirements in connection with its rural extension program. The declarant states that the above described advances were made pursuant to Rule U-45 (b) (3) promulgated under the Public Utility Holding Company Act of 1935.

Kentucky now has 26,179 authorized but unissued shares of common stock of the par value of $25. As a step toward the eventual recapitalization of Kentucky, and prior to an increase in the number of authorized shares of its common stock, the $1,500,000 owed American Gas by Kentucky would be converted into a capital contribution. American Gas would, from time to time, but prior to December 31, 1947, make additional cash capital contributions of, but not to exceed, $2,250,000, or an aggregate total of $3,750,000.

When said declaration, as amended, shall have become effective, it is proposed that the advances already made of $1,500,000 be transferred on the books of Kentucky from "Advances from Associated Companies" to "Capital Surplus" and as further cash capital contributions are made they also be credited by Kentucky to its Capital Surplus Account. Such conversions of cash advances into capital contributions and such further cash capital contributions, together aggregating $3,750,000, would be made with the understanding between American Gas and Kentucky that when Kentucky is recapitalized, such capital contributions would be added to Kentucky's Common Stock Account by a transfer from its Capital Surplus Account. Such a recapitalization and related transactions, when and if proposed, would be the subject of a future application or declaration to the Commission.

The said declaration having been filed on the 1st day of May, 1946, and the last amendment thereto having been filed on August 1, 1946, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 46-16709; Filed, Sept. 17, 1946; 8:47 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. SO 119, Amdt. 1 to Order 313]

PITTSBURGH WATER HEATER CORP.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 313 under Revised Supplementary Order No. 119, Docket No. 6123-SO-119-195.

Pittsburgh Water Heater Corporation, Pittsburgh, Pennsylvania.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised Supplementary Order No. 119, *It is ordered:*

That Order No. 313 under Revised Supplementary Order No. 119 be amended as follows:

1. Change "automatic gas fired water heaters", to read, "automatic gas fired water heaters and repair parts and accessories therefor", where ever it appears.

This amendment shall become effective September 17, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16761; Filed, Sept. 17, 1946; 8:48 a. m.]

[MPR 61, Revocation of Rev. Order 13]

LEATHER PRODUCED FROM IMPORTED RAW GOAT OR KID SKINS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation 61, *It is ordered:*

Revised Order No 13 under Maximum Price Regulation 61 is revoked subject to the provisions of Supplementary Order No. 40.

This revocation does not affect any liabilities incurred for violation of Revised Order No. 13 nor any action taken or to be taken by the Price Administrator under the order.

This order of revocation shall become effective September 13, 1946.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING THE ORDER OF REVOCATION OF REVISED ORDER NO. 13 UNDER MAXIMUM PRICE REGULATION 61

The accompanying order of revocation revokes Revised Order No. 13 issued under Maximum Price Regulation 61 on August 9, 1946.

Revised Order No. 13 established a method of adjusting the maximum prices of all leather produced from imported raw goat or raw kid skins. It is now determined to incorporate the provisions with respect to the adjustment of the maxmium prices of this leather in a general order to be issued simultaneously with this revocation. The new general order will be applicable not only to goat and kid leather but to other leathers specified therein. Revised Order No. 13 having served its purpose and there being no longer any need therefor, it is accordingly revoked.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16779; Filed, Sept. 17, 1946; 9:01 a. m.]

[Rev. SO 119, Amdt. 1 to Order 169]

RIVAL MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, *It is ordered*, That Order No. 169 under sections 15 and 16 of Revised Supplementary Order No. 119 be amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) *Manufacturers' ceiling prices.* Rival Manufacturing Company, 2423 East 15th Street, Kansas City, Missouri, may compute its adjusted ceiling prices for all juice extractors of its manufacture by increasing by 11 percent the ceiling prices to each class of purchaser as established by Maximum Price Regulation No. 188.

As used in this paragraph "ceiling prices as established under Maximum Price Regulation No. 188", shall mean the ceiling prices established under that regulation without the inclusion in those ceiling prices either directly or indirectly of any adjustment, either individual or industry-wide.

2. Paragraph (b) is amended to read as follows:

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at a price adjusted in accordance with the provisions of this order shall determine their ceiling prices as follows:

If resellers' ceiling prices are established on a dollar and cents basis by an order issued under Maximum Price Regulation No. 188, the ceiling prices for resellers so established may be increased by 11 percent.

If resellers' ceiling prices are established under the General Maximum Price Regulation, a reseller shall calculate his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is the one which meets all of the following tests:

(1) It belongs to the narrowest trade category which includes the article being priced.

(2) Both it and the article being priced were purchased from the same class of supplier.

(3) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(4) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 620–759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum retail price cannot be determined under the above method the reseller shall apply to the Office of Price Administration for the Establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

This amendment shall become effective as of the 20th day of April, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46–16760; Filed, Sept. 17, 1946; 9:46 a. m.]

[MPR 64, Amdt. 1 to Rev. Order 219]

CROWN STOVE WORKS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 11 of Maximum Price Regulation No. 64; *It is ordered:*

That Revised Order 219 under Maximum Price Regulation No. 64 is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) This revised order establishes maximum prices for sales of certain models of gas ranges manufactured by the Crown Stove Works, 4627–4635 West Twelfth Street, Chicago, Illinois.

(1) For sales in each zone by wholesale distributors to retail dealers the maximum prices, including the Federal excise tax, are those set forth below:

Model	Article	Maximum prices for sales to retail dealers			
		Zone 1	Zone 2	Zone 3	Zone 4
235–64	Gas range	$90.77	$93.23	$96.17	$98.50
1214–64	Bungalow range	111.82	115.02	118.40	120.93
225–64	Gas range	100.00	102.72	105.96	108.52

These prices are f. o. b. wholesale distributor's city. If the wholesale distributor sells a stove equipped at the factory with any of the items listed below, he may add to the applicable maximum price for the stove shown above an amount no greater than that set forth opposite that item of equipment:

Additional equipment:	*Amount which may be added*
Lamp assembly "B"	$12.97
Double lift tops—each	3.73
Gum filter	.90
Special chrome trim	1.34
Special deep pan with chrome rack for elevated broiler	4.88
Standard broiler	4.21
Chrome vent and trim	.84
Electric lamp	5.36
Minute minder and condiment set	5.29

In all other respects these prices are subject to each seller's customary terms, discounts, allowances and other price differentials in effect on sales of similar articles.

(2) For sales in each zone by retail dealers to ultimate consumers the maximum prices, including Federal excise tax but not including any state or local taxes imposed at the point of sale, are those set forth below:

Model	Article	Maximum prices for sales to ultimate consumers			
		Zone 1	Zone 2	Zone 3	Zone 4
235–64	Gas range	$143.25	$147.00	$151.25	$154.75
1214–64	Bungalow range	178.00	182.75	187.75	191.50
225–64	Gas range	157.25	161.00	165.25	168.75

These prices include delivery and installation. If the retail dealer does not provide installation he shall compute his maximum price by subtracting $9.00 in the case of bungalow ranges and $6.00 in the case of gas ranges not of the bungalow type from his maximum price as shown above for sales on an installed basis. If the retail dealer sells a stove equipped at the factory with any of the items listed below, he may add to the applicable maximum price for the stove shown above an amount no greater than that set forth below opposite that item of equipment:

Additional equipment:	*Amount which may be added*
Lamp assembly "B"	$19.65
Double lift tops—each	5.65
Gum filter	1.35
Special chrome trim	2.00
Special deep pan with chome rack for elevated broiler	7.40
Standard broiler	6.40
Chrome vent and trim	1.30
Electric lamp	8.10
Minute minder and condiment set	8.00

In all other respects these prices are subject to each seller's customary terms, discounts, allowances (other than trade-in allowances) and other price differentials in effect on sales of similar articles.

2. Paragraph (c) is amended to read as follows:

(c) The manufacturer shall, before delivering any range covered by this order, after the effective date thereof, attach securely to the inside oven door panel a label which plainly states the applicable OPA retail ceiling prices established by this order for sales of the range to ultimate consumers in each zone together with a list of the states included in each zone. The label shall also state that the retail prices shown thereon include the Federal excise tax, delivery and installation, and that if the seller does not provide installation the maximum price is $9.00 less than the price shown on the label in the case of bungalow ranges and $6.00 less than the price shown on the label in the case of gas ranges not of the bungalow type.

3. A new paragraph (e) is added to read as follows:

(e) *Relationship to Maximum Price Regulation No. 64.* All the provisions of Maximum Price Regulation No. 64 continue to apply to sales of articles covered by this order except to the extent that they are modified by this order. The ceiling prices established by this order have been determined in accordance with sections 11a and 11b of that regulation and may not, therefore, be increased under those sections.

4. Paragraph (e) is redesignated paragraph (f).

This amendment shall become effective on the 17th day of September 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16762; Filed, Sept. 17, 1946; 8:48 a. m.]

[MPR 188, Order 5182]

HENRY SCLARO

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Henry Sclaro, 3414 Kensington Avenue, Philadelphia 34, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to —		For sales by any person to consumers
		Jobbers	Retailers	
Brass bar stock and crystal hurricane lamp with 8 crystal prisms and cut crystal chimney	1000	$6.80	$8.00	$14.40

These maximum prices are for the articles described in the manufacturer's application dated July 27, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Philadelphia, Pennsylvania, 2%, 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of September 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16763; Filed, Sept. 17, 1946; 8:48 a. m.]

[MPR 188, Order 5183]

QUALITY HARDWARE & MACHINE CORP.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Quality Hardware & Machine Corporation of 5849 North Ravenswood, Chicago 26, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Maximum prices for sales by any seller to—		
		Wholesalers (jobbers)	Retailers	Consumers
Carpet sweeper	180	*Each* $3.61	*Each* $4.52	*Each* $6.95

These maximum prices are for the articles described in the manufacturer's application dated August 12, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. These prices are f. o. b. factory with a freight allowance of $.50 per dozen on shipments of 6 or more, and are subject to a cash discount of 2% for payment within 10 days, net 30 days.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement:

OPA Retail Ceiling Price—$6.95 each
Do Not Detach or Obliterate

(c) At the time of, or prior to, the first invoice to each purchaser for resale at wholesale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective on the 17th day of September 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16764; Filed, Sept. 17, 1946; 8:49 a. m.]

[MPR 591, Order 815]

HOME UTILITIES CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices for sales by any person to consumers of the following steel kitchen base cabinets and sink spray manufactured by Home Utilities Company of Ozone Park, New York and as described in the application dated August 13, 1946 shall be:

STEEL KITCHEN BASE CABINETS

Model:	
L-1151—15" x 24" x 35", 1 door and 1 drawer with linoleum top	$37.26
L-0154—15" x 24" x 35", 4 drawers with linoleum top	45.53
L-2241—24" x 24" x 35", 1 door and 1 drawer with linoleum top	47.31
F-1151—15" x 24" x 35", 1 door and 1 drawer with formica top	39.94
F-0154—15" x 24" x 35", 4 drawers with formica top	48.28
F-2241—24" x 24" x 35", 1 door and 1 drawer with formica top	51.46

(b) When spray is added to undersink cabinets hitherto priced the price of the undersink cabinet may be increased by $4.75.

(c) The maximum net prices f. o. b. point of shipment to dealers shall be the

maximum net prices in (a) above less a discount of 40 percent.

(d) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except on sales to a consumer shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 17, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16765; Filed, Sept. 17, 1946; 8:49 a. m.]

[MPR 599, Order 27]

SPARKS-WITHINGTON CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 599; *It is ordered:*

(a) This order establishes ceiling prices for sales and deliveries of "special brand" radios sold by The Sparks-Withington Company of Jackson, Michigan.

(1) For all sales and deliveries by Sparks-Withington to distributors the ceiling prices are those set forth below:

Model No.	Brand name	Description	Ceiling price to class "A" dealer
			Each
6AM26PA	Sparton	Table radio-phonograph combination, 6 tubes, AC, 2 bands, slide rule dial 5¾" EM speaker, Seeburg model K automatic record changer, wood cabinet, 14" x 22" x 16", underwriter approved.	$62.29
5AW26X	do	Table radio 5 tubes, AC, 1 band, slide rule dial over 4⅝" EM speaker, brown plastic cabinet, 7¾" x 10¾" x 7⅜", underwriter approved.	17.90

Since these prices have been finally determined after May 16, 1946, they are not subject to the adjustment provided for in section 10 (a) of Amendment 2 to MPR 599. These maximum prices are for the articles described in the applications of Sparks-Withington, dated August 22, 1946.

(2) For sales by Sparks-Withington, the ceiling prices apply to all sales and deliveries since Maximum Price Regulation 599 became applicable to those sales and deliveries. They are f. o. b. factory, not including Federal excise tax, and subject to a cash discount of 2% 10 days, net 30 days.

(3) Your ceiling prices to classes of purchasers other than class "A" dealers shall be determined by applying the differentials which you had in effect between July 15, 1941 and October 15, 1941 as provided by section 8 of Maximum Price Regulation No. 599, as amended. If you did not have an established practice of making sales to dealers during that period your ceiling price to dealers is your distributor's ceiling price to the class of dealer to which he sells in the largest dollar volume as calculated under the provisions of section 10 of Maximum Price Regulation No. 599, as amended.

(4) For sales by persons other than the Sparks-Withington Company, Sparks-Withington is required to calculate the retail ceiling price of the article in accordance with the provisions of section 9 of the regulation. Sparks-Withington is also required to calculate distributors' prices for the article in accordance with the provisions of section 10 of the regulation.

(b) Sparks-Withington shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order in accordance with the provisions of section 13 of the regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 17th day of September 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.
Acting Administrator.

[F. R. Doc. 46-16771; Filed, Sept. 17, 1946; 8:52 a. m.]

[MPR 591, Order 817]

SCHELM BROTHERS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; *It is ordered:*

(a) The maximum net prices, f. o. b. point of shipment, for sales by any person of the following food freezer manufactured by Schelm Brothers, Incorporated and as described in the application dated September 3, 1946 which is on file with the Mechanical Building Equipment Price Branch, Office of Price Administration, Washington 25, D. C. shall be:

	On sales to—		
	Distributors	Dealers	Consumers
Model 845 without motor	$152.75	$183.30	$305.50
Model 845 without condensing unit	123.50	148.20	247.00
Model 1245 without motor	199.75	239.70	399.50
Model 1245 without condensing unit	170.50	204.60	341.00
Model 1645 without motor	257.50	309.00	515.00
Model 1645 without condensing unit	288.00	273.60	456.00

(b) The maximum net prices established in (a) above may be increased by the following amount to each class of purchaser to cover the cost of crating when crating is actually supplied: $6.00.

(c) The maximum net prices established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities in the same general category on October 1, 1941.

(d) On sales by a distributor or dealer the following charges may be added to the maximum prices established in (a) above:

(1) The actual amount of freight paid to obtain delivery to his place of business. Such charges shall not exceed the lowest common carrier rates.

(2) Crating charges actually paid to his supplier but in no instance exceeding the amount specified in (b) above.

(e) Each seller covered by this order, except a dealer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale, except dealers, including allowable transportation and crating charges.

(f) Schelm Brothers, Incorporated, 201 Anna Street, East Peoria, Illinois shall stencil on the food freezer covered by this order, substantially the following:

OPA Maximum Retail Price—$_____

Plus freight and crating as provided in Order No. 817 under Maximum Price Regulation No. 591.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 17, 1946.

Issued this 16th day of September, 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16767; Filed, Sept. 17, 1946; 8:51 a. m.]

[MPR 599, Order 28]

GENERAL ELECTRIC CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed

with the Division of the Federal Register, and pursuant to section 11 of Maximum Price Regulation No. 599, *It is ordered:*

(a) This order establishes ceiling price for sales and deliveries of "special brand" radios sold by the General Electric Company of Bridgeport, Conn.

(1) For all sales and deliveries by General Electric to distributors the ceiling price is that set forth below:

Model No.	Brand name	Description	Ceiling price to distributor
12	General Electric.	Table phonograph, 4 tubes, AC, manual record player, tone control, 7⅞" PM dynamic speaker, permanent needle, wood cabinet, 10²⁵⁄₃₂" x 15¼" x 13¹¹⁄₁₆", underwriter approved.	$30.34

Since this price has been finally determined after May 16, 1946, it is not subject to the adjustment provided for in section 10 (a) of Amendment 2 to MPR 599. This maximum price is for the article described in the application of General Electric, dated June 1, 1946.

(2) For sales by General Electric, the ceiling price applies to all sales and deliveries since Maximum Price Regulation 599 became applicable to those sales and deliveries. It is f. o. b. factory, not including Federal excise tax, and is subject to a cash discount of 2% 10 days, net 30 days.

(3) Your ceiling price to classes of purchasers other than distributors shall be determined by applying the differentials which you had in effect between July 15, 1941 and October 15, 1941 as provided by section 8 of Maximum Price Regulation No. 599, as amended. If you did not have an established practice of making sales to dealers during that period your ceiling price to dealers is your distributors ceiling price to the class of dealer to which he sells in the largest dollar volume as calculated under the provisions of section 10 of Maximum Price Regulation No. 599, as amended.

(4) For sales by persons other than the General Electric Company, General Electric is required to calculate the retail ceiling price of the article in accordance with the provisions of section 9 of the regulation. General Electric is also required to calculate distributors prices for the article in accordance with the provisions of section 10 of the regulation.

(b) General Electric shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order in accordance with the provisions of section 13 of the regulation.

(c) This order may be revoked or amended by the Price Administrator at any time.

(d) This order shall become effective on the 16th day of September 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16772; Filed Sept. 17, 1946; 8:52 a. m.]

[MPR 61, Order 16]

DOMESTIC LEATHER PRODUCED FROM IMPORTED RAW STOCK

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 19 of Maximum Price Regulation 61, it is ordered:

(a) *Applicability.* This order applies to all leather specified in Schedule A tanned in the continental United States.

(b) *Adjustment of maximum prices.* On and after September 13, 1946, the maximum price of any leather specified in this order, may be adjusted as follows:

(i) The seller, except one whose maximum price is determined pursuant to section 6 (d) or 7 (a) of Maximum Price Regulation 61 shall determine his total invoice price (which shall not exceed the sum of his maximum prices per unit determined or established for such items of leather under the applicable section of Maximum Price Regulation 61 and before any adjustment of such maximum prices pursuant to any order issued under the regulation) and may add to such total invoice price an amount not to exceed the applicable adjustment permitted by Schedule A of this order.

(ii) A seller whose maximum price is determined under section 6 (d) of Maximum Price Regulation 61 may add the 7½% markup specified in that section to his supplier's unadjusted invoice price (not to exceed his supplier's unadjusted maximum price) and may then add the applicable adjustment provided by Schedule A of this order.

SCHEDULE A

How to apply the adjustment permitted by this schedule. When the unadjusted selling price is 80 cents or less per square foot, the seller may add the amount specified in Column D (the total of the amounts permitted by Columns B and C).

When the unadjusted selling price is more than 80 cents per square foot, the seller may add the amount permitted by Column D to the first 80 cents of the unadjusted selling price per square foot and may add only the amount permitted by Column C to that portion of the unadjusted selling price which is in excess of 80 cents per square foot.

The appropriate percentage figures stated in Column B and Column D and the type of leather shall be inserted in the appropriate blank spaces in the statement required to be shown on invoices pursuant to the provisions of paragraph (d) of this order.

Column A Type of leather produced from the specified imported raw-stock	Column B OPA adjustment charge, Order No. 16	Column C OPA adjustment charge, Revised Order No. 14	Column D Total adjustment
	Percent	*Percent*	*Percent*
Leather produced from imported raw coarse, woolskins and imported raw hair sheepskins other than Paprahs and Paprah slats	50	6	56
Glove and other leather produced from imported raw Paprah hair sheepskin and Paprah slats	26	6	32
Goat and kid leather produced from imported raw goatskins and imported raw kidskins	40	6	46
Kangaroo and wallaby leather produced from imported raw kangaroo skins and imported raw wallaby skins	45	6	51
Buck and other leather produced from South American deerskins	45	6	51

To illustrate: Assume a sale of 1,000 square feet of kid leader specified in this order at $1.25 per square foot (unadjusted maximum price established or determined under the applicable section of Maximum Price Regulation 61.) The total invoice price of this leather is $1,250.00. Of this amount, $800.00 (80¢ × 1,000 sq. ft. = $800.00) may be increased by 46% (Column D of Schedule A of this order) which is equal to $368.00. The remaining amount of the maximum selling prices, or $450.00 (45¢ (which is the difference between the first 80¢ and the full unadjusted price of $1.25) × 1,000 sq. ft. = $450.00) may be increased by 6% (Column C of Schedule A of this order) resulting in $27.00. The total amount of the adjustment under this order for this sale is $395.00. To obtain the adjustment the invoice would have to include the following statement:

1,000 sq. ft. AA gold kid @ $1.25 per sq. ft	$1,250.00
OPA total adjustment charge of 46% per sq. ft. subject to 80 cent limit, Order No. 16, and of 6% on selling price in excess of 80 cents per square foot, Revised Order No. 14, MPR 61 for kid leather	395.00
	1,645.00

(c) *Tanners' imported raw stock report.* No tanner may sell or deliver any leather specified in this order at a maximum price adjusted pursuant to the provisions thereof, unless he has mailed a report on or before the 5th day of each month to the Leather, Furs and Fibers Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., on the form set forth in Appendix B of Maximum Price Regulation 61 setting forth the tanner's imported raw stock position for the calendar month preceding the date of filing.

(d) *Invoice requirements.* No seller (except one who sells under Section 9 of Maximum Price Regulation 61) may sell or deliver any leather specified in this order at a maximum price adjusted pursuant to the provisions thereof, unless, in connection with each sale or delivery, the seller furnishes to the purchaser an invoice or similar document showing, in addition to all other information required by section 12 of Maximum Price Regulation 61, the following:

(i) The total invoice price exclusive of the adjustment authorized by this or by any other order issued under Maximum Price Regulation 61.

(ii) The percentage by which he has increased the total invoice price pursuant to the provisions of this order. If the selling price is 80 cents or less per square foot, the percentage shall be designated on the invoice as: "OPA total adjustment charge of ____%, including 6%, Revised Order No. 14, and ____%, Order No. 16, MPR 61 for _____ leather." If the selling price is more than 80 cents per square foot, the percentage by which the total invoice price

has been increased shall be designated as: "OPA total adjustment charge of ____% per square foot subject to 80 cent limit, Order No. 16, and of 6% on selling price in excess of 80 cents per square foot, Revised Order No. 14, MPR 61 for _____ leather." (The appropriate percentages and type of leather shall be inserted in the proper blank spaces in each of these statements.) Such percentage shall be stated at the foot of the invoice for the item, or, if there is more than one item, then for the entire group of items for which an adjustment is made, in which case the item or entire group of items increased by the same percentage shall be clearly indicated.

(iii) The dollar-and-cents amount of the adjustment added and stated as a separate item.

(e) *Discounts.* Term discounts shall be deducted from the total amount of the adjusted invoice price.

(f) *Amendments.* This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective September 13, 1946.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 13th day of September, 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 16 UNDER MAXIMUM PRICE REGULATION 81

The accompanying order establishes a uniform procedure for adjustment of maximum prices of leathers produced in the continental United States from specified imported raw stock, and increases maximum prices for leathers domestically produced from kangaroo skins, raw kid and raw goatskins, two general categories of hair sheepskins and from South American deerskins.

Prior to June 26, the Combined Hides, Skins and Leather Committee, through price agreement and allocation of raw stock among the member nations, exerted a stabilizing influence not only on the imported raw materials that were under allocation but on other raw skins as well. With the dissolution of this Committee the world market became a free one. Because of the increased purchasing activities of several European countries, and the pressure on the raw skin market from tanners of other types of leather which are in short supply, costs of imported raw stock, such as kangaroo skins, raw goats and raw kidskins, hair sheep skins and others, have increased. This action is designed to provide the adjustments in leather prices which are necessitated by the advances in current raw stock prices over the level in former years. The current position of tanners is such that they are unable to absorb these increased raw material costs as measured by present OPA standards.

The adjustment of 6% previously granted to leather producers was designed to yield to the industry as a whole the same return on investment as had been obtained during a normal pre-war period. Although the purpose of this 6% adjustment was to compensate for recent and expected increases in costs, it did not take into account the recent extreme increases in imported raw stock prices. In order, therefore, to place tanners of leather produced from specified imported raw stock in the same relative position as the remainder of the tanning industry, the present action is necessary. The adjustment previously made for raw goat and kidskin leather in Revised Order 13, revoked by a parallel action, is included in this order. Additions will be made from time to time to the schedule set up in the order to provide for the adjustment of prices of other leathers tanned in large part from imported raw material, where failure to increase prices would result in hardship to an entire segment of the leather industry.

The schedule sets forth an appropriate adjustment factor for each type of leather. The amounts of the adjustment factors are derived from an analysis of the ratio of the imported raw material cost to finished leather selling prices during 1945 and at present. Inasmuch as few actual purchases have been made recently, the current market level is based primarily on offerings rather than on actual sales. In the future, by means of this monthly report required to be filed by tanners actual purchase data will be available for use as the basis for recomputation of the adjustment factors. Since recomputed adjustments will be derived from the average of purchases, firms which pay exorbitant prices for skins will be unable to recoup their additional outlays in the finished leather prices. It is anticipated that this will deter domestic tanners from further inflationary action in bidding up imported raw skin prices.

Schedule "A" of this order sets forth the percentage adjustments permitted on sales of leather tanned from imported raw goat and kid, kangaroo and wallaby, imported raw coarse wool or hair sheepskins (including Paprahs) and South American deerskins. The adjustment of 40% for goatskins is the same as that previously established by Revised Order 13, now revoked. Kangaroo and wallaby leather is adjusted upward 45%, leather produced from imported raw hair sheepskins other than Paprahs, 50%, leather produced from imported raw Paprahs, 26%, and buck and other leather produced from South American deerskins, 45%.

A limitation of 80 cents per square foot is placed on the application of the adjustment factor because most leathers selling above this price have special finishes which are not in proportion to raw skin costs. Raw skin costs are a much smaller percentage of the selling price of such high-priced leather, and the percentage advance on the finished leather prices required to compensate for increased raw material costs is not as high as for lower priced leather. All sellers whose maximum prices are higher than 80 cents per square foot may, however, obtain the full amount of the increase up to the 80-cents limitation.

The dollar amount of the adjustment which any seller (except one whose price is determined under section 7 (a) of Maximum Price Regulation 61) may obtain is computed by applying the percentage of adjustment factor allowed in Column D of Schedule "A" to the invoice price of the leather: *Provided*, That the per square foot price is less than 80 cents per square foot. If the maximum selling price of the leather is more than 80 cents per square foot the percentage adjustment factor of Column D may be applied only to the first 80 cents of the selling price. The balance of the selling price may be adjusted by 6 per cent, the adjustment specified in Column C of Schedule "A". The total invoice price may not exceed the sum of the maximum prices established or determined under Maximum Price Regulation 61. The amount of the adjustment made pursuant to this order is added at the bottom of the invoice to obtain the adjusted invoice price. The amount of the adjustment in dollars and cents must be stated on the invoice as a separate item and must be accompanied by the appropriate statement in the prescribed form, with the proper percentage and the type of leather for which an adjustment is being made inserted in the appropriate blank spaces in such statement. For this purpose, when making an insertion of the total percentage to be applied to the maximum price of 80 cents or less, the percentage of Column D of Schedule "A" shall be inserted. When stating the unit percentage applicable to the particular leather, the percentage stated in Column B of Schedule "A" shall be inserted.

Term discounts, following established practice, will be deducted from the total amount of the adjusted invoice price whether the adjustments are taken under this order or any of the other orders under Maximum Price Regulation 61 permitting an adjustment of maximum prices.

All the provisions of this order, as revised, and their effect upon business practices, cost practices or methods, or means or aids to distribution in the industry or industries affected have been carefully considered. No provisions which might have the effect of requiring a change in such practices, means, aids or methods established in the industry or industries affected, have been included unless such provisions have been found necessary to achieve effective price control and to prevent circumvention or evasion of this order, Maximum Price Regulation 61 or of the Act. To the extent that the provisions of this revised order compel or may operate to compel changes in business practices, cost practices, or methods, or means or aids to distribution established in the industry or industries affected, such provisions are necessary to prevent circumvention or evasion of this order, Maximum Price Regulation 61 or of the Emergency Price Control Act of 1942, as amended.

Insofar as practicable, the Administrator has consulted with representatives of the industry affected by this revised order and has given consideration to their recommendations. In the opinion of the Administrator the maximum prices established by this revised order

are fair and equitable to the industry generally and will effectuate the purposes of the Emergency Price Control Act as amended, and Executive Orders 9250, 9328, 9599, 9651, and 9697.

Issued this 13th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16780; Filed, Sept. 17, 1946; 9:01 a. m.]

[MPR 188, Order 31, Under Order 6]

CORY CORP.

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 4 (a) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) The retail ceiling prices in each zone for a small electrical appliance manufactured by the Cory Corporation, 221 N. La Salle Street, Chicago, Illinois, which is sold under the brand name "Cory" shall be the retail ceiling prices computed in accordance with the provisions of section 4 (c) (1) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 as in effect at the time the manufacturer delivers the article to a purchaser for resale.

Retail ceiling prices as determined under this paragraph shall apply to all retail sales by all types of sellers of articles subject to this order.

(b) The manufacturer shall determine distributors' ceiling prices for sales of articles which the manufacturer sells at increased prices permitted by Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 or by orders under Revised Supplementary Order No. 119, in accordance with the provisions of those orders on the basis of the uniform retail ceiling prices fixed by this order.

(c) On or after the effective date of this order the manufacturer may not deliver to any purchaser for resale any article for which a uniform ceiling price is fixed by this order unless there is attached to it a retail ceiling price tag or label stating the manufacturer's name or brand name, the model number or designation and the uniform retail ceiling price fixed by this order for sales in each zone or in the zone in which the article will be sold at retail.

(d) Except as modified by this order, all provisions of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 apply to all persons and to all sales and deliveries of articles covered by this order.

(e) The provisions of Order No. 23 under Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 shall have no application to articles covered by this order.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 18th day of September, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER 31 UNDER ORDER 6 UNDER § 1499.159E OF MAXIMUM PRICE REGULATION 188

The accompanying order establishes uniform retail ceiling prices for sales of small electrical appliances manufactured by Cory Corporation, 221 N. LaSalle Street, Chicago 1, Illinois, and which are sold under the brand name "Cory".

The order is issued under section 4 (a) of Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188, hereinafter referred to as Order No. 6, pursuant to an application of the manufacturer. That section of Order No. 6 provides for the establishment of uniform retail ceiling prices for any article covered by the order whenever it appears that (1) the article is identified by a company or brand name, (2) the manufacturer's products were sold at substantially uniform prices at retail prior to April 1, 1942, and (3) the price proposed by the manufacturer is in line with the retail ceiling prices which would be otherwise determined in accordance with the provisions of the order.

From the information furnished by the manufacturer it appears that small electrical appliances sold by the manufacturer under the brand name "Cory" were generally sold at retail at substantially uniform prices prior to April 1, 1942. The prices which the manufacturer has proposed as the uniform retail ceiling prices are in line with the retail ceiling prices which would be otherwise determined under Order No. 6. The practical effect of the accompanying order is to establish the same retail ceilings for sales through chain stores and mail order houses as are established for sales through other retail outlets.

Except as the accompanying order modifies the provisions of Order No. 6, its provisions apply to all persons and sales of articles covered by the accompanying order.

By its own terms Order No. 23 to Order No. 6 under § 1499.159e of Maximum Price Regulation No. 188 has no application to articles subject to orders issued under Order No. 6 after May 20, 1946. However, in his application the manufacturer indicated that he was confused in that he thought Order No. 23 might have some application to his products. Therefore the accompanying order expressly provides that Order No. 23 has no application to articles covered by the accompanying order.

[F. R. Doc. 46-16796; Filed, Sept. 17, 1946; 8:59 a. m.]

[MPR 120, Amdt. 42 to Order 1548]

ELLIOT MINING CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.212 (c) of Maximum Price Regulation No. 120, *It is ordered:*

Order No. 1548 under Maximum Price Regulation No. 120 is hereby amended in the following respects.

Paragraph (a) is amended by deleting therefrom the following name of the producer, address, mine name and index number, and preparation plant name, as follows:

Producer and address	Mine names	Mine index numbers	Location and name of preparation plant through which the coals are prepared
* * *	*	*	* * *
H. B. Mellott, Old Post Office Building, McConnellsburg, Pa.	Glendale No. 1 and Pettit No. 1.	5159 and 5553....	Mellott's Broad Top Mining Company's Preparation Plant at Riddlesburg, Pennsylvania, on the H. & B. T.

This Amendment No. 42 to Order No. 1548 under Maximum Price Regulation No. 120 shall become effective September 18, 1946.

Issued this 17th day of September, 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 42 TO ORDER 1548 UNDER MAXIMUM PRICE REGULATION 120

By reason of the issuance of Order No. 1548 under Maximum Price Regulation No. 120, H. B. Mellott has been given the permission to charge deep mine maximum prices for a blended mixture of strip-mined and deep-mined coal when prepared at the Broad Top Mining Company's Preparation Plant at Riddlesburg, Pennsylvania, on the H. & B. T. However, since an amendment to Revised Order No. 1438 is being issued simultaneously herewith to include the above mentioned preparation plant, the said Order No. 1548 is being amended to delete therefrom the following listing "H. B. Mellott, Glendale No. 1 and Pettit No. 1 Mines, Mine Index Numbers 5159 and 5553 respectively, and Broad Top Mining Company's Preparation Plant at Riddlesburg, Pennsylvania, on the H. & B. T."

[F. R. Doc. 46-16795; Filed, Sept. 17, 1946; 8:59 a. m.]

[MPR 188, Order 1 Under Order 14]

TELECHRON, INC.

MODIFICATION OF PRE-TICKETING PROVISIONS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) *Extension granted to manufacturer.* Telechron, Incorporated, Ashland, Massachusetts, may continue to sell and deliver up to and including September 23, 1946, all clocks and watches of its manufacture covered by Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, which are tagged with their retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946.

(b) *Notification to purchasers for resale.* (1) The manufacturer shall notify purchasers for resale of the articles covered by this order in writing that the retail ceiling price tags affixed to these articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(2) A purchaser for resale at wholesale of the articles covered by this order who receives a notice provided for in (1) above shall notify his customers in writing that the retail ceiling price tags affixed to these articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(c) *What prices may be charged.* A purchaser at wholesale of an article covered by this order who has received a notice in accordance with the provisions of paragraph (b) hereof shall calculate his ceiling price in accordance with the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 based on the retail ceiling price stated in the said notice to be the retail ceiling price in effect on the date of delivery. A retailer may sell such an article at the retail ceiling price which is stated on the notice he receives in accordance with the provisions of paragraph (b) hereof to be the retail ceiling in effect on the date of delivery.

(d) *What to do with retail price tags.* A retailer who receives an article covered by this order with a tag that states the retail ceiling price as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946 together with a notice stating the retail ceiling price as of the date of delivery shall substitute the retail ceiling price in effect on the date of delivery for the retail ceiling price which appears on the tag.

This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER 1 UNDER ORDER 14 UNDER § 1499.159e OF MAXIMUM PRICE REGULATION NO. 188

Amendment No. 1 to Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 modified the provisions of the order which provided for the determination of resellers' ceiling prices of certain clocks and watches. This was done so that Order No. 14 was brought into conformity with section 2 (t) of the Emergency Price Control Act of 1942, as amended which provides that "in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

Section 7 of Order No. 14 provides that unless otherwise authorized by the Office of Price Administration no manufacturer may, on or after June 12, 1946, ship to any purchaser a clock or watch for which the retail ceiling price is fixed by the order unless there is attached to it a retail ceiling price tag or label.

The Telechron, Incorporated, Ashland, Massachusetts, has applied for an order under this section extending its time to comply with the section because in view of the short period of time between the issuance and effective date of the amendment to Order No. 14, it was not in a position to comply immediately with the amended tagging requirements.

The accompanying order therefore extends the company's time to September 23, 1946 to tag the clocks and watches covered by this order with the new retail prices. By that time the company should have received new tags from its supplier, and have had time to make the necessary changes.

The order also makes appropriate provision to ensure that purchasers for resale may sell at the new ceiling prices and not the old even though the old prices appear on the tags. Retailers are permitted to substitute the new for the old prices. The order is therefore in conformity with section 2 (t) mentioned above.

[F. R. Doc. 46-16797; Filed, Sept. 17, 1946; 9:00 a. m.]

[MPR 188, Order 2 Under Order 14]

GENERAL ELECTRIC CO.

MODIFICATION OF PRE-TICKETING PROVISIONS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) *Extension granted to manufacturer.* The General Electric Company, Bridgeport, Connecticut, may continue to sell and deliver up to and including September 23, 1946, all clocks and watches of its manufacture covered by Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, which are tagged with their retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946.

(b) *Notification to purchasers for resale.* (1) The manufacturer shall notify purchasers for resale of the articles covered by this order in writing that the retail ceiling price tags affixed to those articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(2) A purchaser for resale at wholesale of the articles covered by this order who receives a notice provided for in (1) above shall notify his customers in writing that the retail ceiling price tags affixed to those articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(c) *What prices may be charged.* A purchaser at wholesale of an article covered by this order who has received a notice in accordance with the provisions of paragraph (b) hereof shall calculate his ceiling price in accordance with the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 based on the retail ceiling price stated in the said notice to be the retail ceiling price in effect on the date of delivery. A retailer may sell such an article at the retail ceiling price which is stated on the notice he receives in accordance with the provisions of paragraph (b) hereof to be the retail ceiling in effect on the date of delivery.

(d) *What to do with retail price tags.* A retailer who receives an article covered by this order with a tag that states the retail ceiling price as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946 together with a notice stating the retail ceiling price as of the date of delivery shall substitute the retail ceiling price in effect on the date of delivery for the retail ceiling price which appears on the tag.

This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER 2 UNDER ORDER 14 UNDER § 1499.159e OF MAXIMUM PRICE REGULATION 188

Amendment No. 1 to Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 modified the provisions of the order which provided for the determination of resellers' ceiling prices of certain clocks and watches. This was done so that Order No. 14 was brought into conformity with section 2 (t) of the Emergency Price Control Act of 1942, as amended which provides that "in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

Section 7 of Order No. 14 provides that unless otherwise authorized by the Office of Price Administration no manufacturer may, on or after June 12, 1946,

ship to any purchaser a clock or watch for which the retail ceiling price is fixed by the order unless there is attached to it a retail ceiling price tag or label.

The General Electric Company, Bridgeport, Connecticut, has applied for an order under this section extending its time to comply with the section because in view of the short period of time between the issuance and effective date of the amendment to Order No. 14, it was not in a position to comply immediately with the amended tagging requirements.

The accompanying order therefore extends the company's time to September 23, 1946 to tag the clocks and watches covered by this order with the new retail prices. By that time the company should have received new tags from its supplier, and have had time to make the necessary changes.

The order also makes appropriate provision to ensure that purchasers for resale may sell at the new ceiling prices and not the old even though the old prices appear on the tags. Retailers are permitted to substitute the new for the old prices. The order is therefore in conformity with section 2 (t) mentioned above.

[F. R. Doc. 46–16798; Filed, Sept. 17, 1946; 9:01 a. m.]

[MPR 188, Order 3 Under Order 14]

UNITED STATES TIME CORP.

MODIFICATION OF PRE-TICKETING PROVISIONS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

(a) *Extension granted to manufacturer.* The United States Time Corporation, Waterbury 91, Connecticut, may continue to sell and deliver up to and including September 23, 1946, all clocks and watches of its manufacture covered by Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, which are tagged with their retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946.

(b) *Notification to purchasers for resale.* (1) The manufacturer shall notify purchasers for resale of the articles covered by this order in writing that the retail ceiling price tags affixed to those articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(2) A purchaser for resale at wholesale of the articles covered by this order who receives a notice provided for in (1) above shall notify his customers in writing that the retail ceiling price tags affixed to those articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall notify also such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(c) *What prices may be charged.* A purchaser at wholesale of an article covered by this order who has received a notice in accordance with the provisions of paragraph (b) hereof shall calculate his ceiling price in accordance with the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 based on the retail ceiling price stated in the said notice to be the retail ceiling price in effect on the date of delivery. A retailer may sell such an article at the retail ceiling price which is stated on the notice he receives in accordance with the provisions of paragraph (b) hereof to be the retail ceiling in effect on the date of delivery.

(d) *What to do with retail price tags.* A retailer who receives an article covered by this order with a tag that states the retail ceiling price as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946 together with a notice stating the retail ceiling price as of the date of delivery shall substitute the retail ceiling price in effect on the date of delivery for the retail ceiling price which appears on the tag.

This order shall become effective on the 18th day of September, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER 3 UNDER ORDER 14 UNDER § 1499.159e OF MAXIMUM PRICE REGULATION 188

Amendment No. 1 to Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 modified the provisions of the order which provided for the determination of resellers' ceiling prices of certain clocks and watches. This was done so that Order No. 14 was brought into conformity with section 2 (t) of the Emergency Price Control Act of 1942, as amended which provides that "in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

Section 7 of Order No. 14 provides that unless otherwise authorized by the Office of Price Administration no manufacturers may, on or after June 12, 1946, ship to any purchaser a clock or watch for which the retail ceiling price is fixed by the order unless there is attached to it a retail ceiling price tag or label.

The United States Time Corporation, Waterbury 91, Connecticut, has applied for an order under this section extending its time to comply with the section because in view of the short period of time between the issuance and effective date of the amendment to Order No. 14, it was not in a position to comply immediately with the amended tagging requirements.

The accompanying order therefore extends the company's time to September 23, 1946 to tag the clocks and watches covered by this order with the new retail prices. By that time the company should have received new tags from its supplier, and have had time to make the necessary changes.

The order also makes appropriate provision to ensure that purchasers for resale may sell at the new ceiling prices and not the old even though the old prices appear on the tags. Retailers are permitted to substitute the new for the old prices. The order is therefore in conformity with section 2 (t) mentioned above.

[F. R. Doc. 46–16799; Filed, Sept. 17, 1946; 9:01 a. m.]

[SO 142, Order 196]

MARKEL ELECTRIC PRODUCTS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the provisions of section 2 of Supplementary Order No. 142, *It is ordered:*

(a) Order No. 203 under Revised Supplementary Order No. 119, issued May 16, 1946, is superseded by Order No. 196 under Supplementary Order No. 142, insofar as it applies to the sale of electric lighting fixtures.

(b) The maximum prices for sales by Markel Electric Products, Inc., Buffalo, New York, of electric lighting fixtures subject to the coverage of Revised Maximum Price Regulation 136, and adjustment provisions of Supplementary Order No. 142 shall be determined as follows: The manufacturer shall increase his maximum prices for these items in effect on October 1, 1941, by 18.9%, and shall deduct from the resultant prices all discounts, allowances and other deductions in effect to a purchaser of the same class on October 1, 1941.

(c) The maximum prices for sales by resellers of electric lighting fixtures manufactured by Markel Electric Products, Inc., shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class the percentage amount by which his net invoiced cost has been increased due to the adjustment granted by this order.

(d) Since the provisions of this order are not intended to reduce properly established maximum prices, the manufacturer, Markel Electric Products, Inc., may continue to use as his maximum prices to each class of purchasers his properly established prices in effect under the applicable maximum price regulation in the event that such prices exceed the prices in effect to each class of purchaser on October 1, 1941, plus the increase provided by this order.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 18, 1946.

Issued this 17th day of September, 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER 196 UNDER SUPPLEMENTARY ORDER 142

On May 16, 1946, Order No. 203 under Revised Supplementary Order No. 119 was issued to Markel Electric Products, Inc., Buffalo, New York, allowing the subject company to increase its October 1, 1941, maximum prices on electric lighting fixtures by 18.9% and its October 1, 1941, maximum prices of electric wall heaters by 19.6%. The subject order further provided that resellers of these products covered by Order No. 203 may increase their established prices by the actual dollars-and-cents increase in cost resulting from the adjustment granted Markel Electric Products, Inc.

This Office has been requested by the Markel Electric Products, Inc., that resellers of electric lighting fixtures manufactured by Markel Electric Products, Inc., be permitted to add to their maximum net prices the percentage amount by which their net invoiced cost has been increased as a result of the adjustment granted to their supplier by Order No. 203.

On May 29, 1946, the Office of Price Administration issued Amendment 39 to Revised Maximum Price Regulation 136 which transferred electric lighting fixtures from the jurisdiction of Maximum Price Regulation 591 and places these items under the jurisdiction of Revised Maximum Price Regulation 136. In general, with respect to the cases which have been processed by this Office concerning electric lighting fixtures subject to Revised Maximum Price Regulation 136, resellers of these items have been permitted to increase their established prices by the percentage amount in cost resulting from the adjustment granted to their suppliers. Furthermore, an interim increase granted to the Electric Lighting Fixture Industry by Order No. 667 under Revised Maximum Price Regulation 136 provided for a percentage pass-on by resellers.

Since it is the customary practice for both manufacturers and resellers to sell off the same list prices, to require resellers to add to their maximum prices the dollars-and-cents amount by which their costs have been increased would result in an unbalanced price structure for electric lighting fixtures. Accordingly, resellers are permitted to increase their maximum prices for sales of electric lighting fixtures by the same amount, in percent, by which their net invoiced cost has been increased due to the adjustment granted to the Markel Electric Products, Inc., by this order.

[F. R. Doc. 46-16793; Filed, Sept. 17, 1946, 8:58 a. m.]

[SR 15, Order 29]

PERMANENTE METALS CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.75 (a) (18) of SR 15 to the General Maximum Price Regulation, *It is ordered:*

(a) *Applicability.* This order applies only to sales by manufacturers of soda ash to Permanente Metals Corporation, Baton Rouge, Louisiana.

(b) *Maximum prices.* The maximum prices for a manufacturer's sales of soda ash to Permanente Metals Corporation, Baton Rouge, Louisiana, shall be such manufacturer's maximum selling price, f. o. b. seller's shipping point, as established under the General Maximum Price Regulation, less the average freight absorption incurred by such seller at the plant from which shipment is being made during the three month period immediately preceding his first shipment to Permanente Metals Corporation, Baton Rouge, Louisiana.

(c) *Freight and trade practices.* The prices adjusted by this order are subject to the same freight and trade practices as prevailed on each seller's sales of soda ash in March 1942 except insofar as they are inconsistent with the provisions of this order.

(d) This order may be revoked or amended at any time.

This order shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER 29 UNDER § 1499.75 (a) (18) OF SUPPLEMENTARY REGULATION 15 TO THE GENERAL MAXIMUM PRICE REGULATION

This order establishes maximum prices for sales by producers of soda ash to Permanente Metals Corporation, Baton Rouge, Louisiana.

Permanente Metals Corporation is engaged in the production of alumina. Producers of soda ash sell on an f. o. b. basis freight equalized with nearest competitive seller's place of business. There is one producer of soda ash in the immediate vicinity of the buyer.

OPA has rated an application for priority assistance to the buyer. It would be a hardship on the soda ash plant nearest to Permanente to require such plant to ship all of the required soda ash. Consequently, OPA in rating the priority application has apportioned the total amount among various producers. However, these producers by reason of freight equalization would be compelled to absorb freight charges in many cases as large as the actual price of the soda ash sold.

In view of the foregoing, OPA has recommended that these producers be permitted to sell to Permanente on an f. o. b. basis, seller's shipping point, less average freight absorption.

Under the provisions of § 1499.75 (a) (18) of SR 15 to the GMPR ordinarily no adjustment of these producer's prices would be indicated. In view of the extraordinary situation obtaining as regards the supply of alumina and at the recommendation of the OPA, the Administrator deems it advisable to adjust the prices for sales by producers of soda ash to Permanente Metals Corporation so that sales may be made on an f. o. b. basis less average freight absorption.

[F. R. Doc. 46-16792; Filed, Sept. 17, 1946; 8:57 a. m.]

[SO 148, Amdt. 1 to Order 5]

EAGLE ELECTRIC MFG. CO., INC.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the provisions of Supplementary Order No. 148, *It is ordered*, That: Order No. 5 under Supplementary Order No. 148, be amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) This order establishes maximum prices for sales and deliveries of the following lamps manufactured by Eagle Electric Manufacturing Company, Inc., of 23-10 Bridge Plaza South, Long Island City, New York, for sales by it to jobbers as follows:

Article	Model No.	Maximum prices for sales to jobbers
		Each
Utility desk lamp	395	$1.00
Bakelite nite-beam bed lamp	575	1.09
Bakelite bed lamp	300	.84

2. Paragraph (g) is amended to read as follows:

(g) The provisions of Order No. 63 under Supplementary Order No. 119 issued on the 29th day of January 1946, and any amendments thereto are hereby revoked insofar as they apply to any of the articles covered by this order.

This amendment may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT 1 TO ORDER 5 UNDER SUPPLEMENTARY ORDER 148

Order No. 5 was issued on May 9, 1946 pursuant to the request of Eagle Electric Manufacturing Company, Inc. of 23-10 Bridge Plaza South, Long Island City, New York, and established adjusted maximum prices for sales by it to jobbers of two models of lamps of its manufacture. The application of the company was denied as to a third lamp.

The company has applied for a further adjustment in its maximum prices, including an adjustment on the lamp as to which its former application was denied. The application is made under the provisions of Supplementary Order No. 148, and the reasons for the granting of this application are the same as those contained in the opinion accompanying the issuance of the original order. The amendment is necessary be-

cause the company has experienced cost increases since Order No. 5 was issued so that its total unit cost to make and sell the articles covered by this order plus the applicable profit factor is above its ceiling price, which is the criterion set forth in Supplementary Order No. 148 for eligibility for adjustment. The reasons set forth in the opinion accompanying Order No. 5 are therefore incorporated herein by reference.

No further adjustment is made by this amendment in regard to Model No. 395 since the original order established its maximum price at the cut-off point permitted by Supplementary Order No. 148.

The only other change by this amendment is that paragraph (g) has been amended so that all the articles covered by this order are excluded from the provisions of a previous adjustment order.

[F. R. Doc. 46-16794; Filed, Sept. 17, 1946; 8:58 a. m.]

[RMPR 136, Order 676]

CONSTRUCTION AND ROAD MAINTENANCE MACHINERY AND EQUIPMENT

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 31 of Revised Maximum Price Regulation 136, *It is ordered:*

(a) For the purposes of this order the phrase "Construction and Road Maintenance Machinery and Equipment" means the following machinery mechanical accessories and equipment when primarily designed and sold for use in the performance of construction, road building or road maintenance work but not including any portable power driven tool as defined in Order No. 635 to Revised Maximum Price Regulation 136. The listings herein are definitive and this order does not apply to any machinery or equipment not listed herein.

Agitator mixers; concrete, truck type.
Augers, earth, power.
Batchers.
Bins, construction.
Blades:
  Ditcher.
  Grader.
  Snow plow (except designed for mounting on automobile trucks and wheel type farm or garden tractors).
Borers, earth.
Buckets:
  Clamshell.
  Concrete.
  Drag scraper.
  Dragline.
  Orange peel.
Buggies, concrete handling.
Bull graders.
Carts: concrete handling.
Cement guns.
Concrete curing and spraying equipment.
Construction equipment, tractor mounted.
Crack and joint filling machinery.
Cranes:
  Power, crawler.
  Power, truck mounted.
  Self-propelled.
  Tractor mounted.
Diggers:
  Clay.
  Earth, power operated.
Discs, road.
Distributors:
  Bituminous.
  Water.
Ditchers:
  Blade.
  Ladder.
  Wheel.
Dozers:
  Angle.
  Bull.
  Tilt.
  Tree.
  Push.
Draglines, crawler, slack line, walking.
Drags, road.
Excavators:
  Clam shell, dragline, trench hoe, etc.
Finegraders.
Finishers:
  Bituminous.
  Concrete.
Form graders.
Form tamping machines.
Gradation units.
Graders, all types.
Grapples, rock.
Hammers, pile.
Joint levelers.
Loaders:
  Bucket.
  Front end.
  Snow.
  Forced feed windro.
Maintainers, road.
Maintenance units, bituminous.
Mixers:
  Aggregate pulv.
  Bituminous.
  Concrete, truck, readymix.
  Concrete.
  Mortar.
  Plaster.
Pavers:
  Bituminous.
  Concrete.
Paving tools.
Pipelayers.
Plants:
  Concrete, portable (except concrete block and pipe plants).
Portable diggers, augers.
Power control units (tractor accessory).
Pulverizers, construction materials.
Pumps, concrete.
Rippers.
Rock drilling and boring machinery.
Rodding machines.
Rollers:
  Road.
  Sheepsfoot.
  Tamping.
  Wobbly wheel.
Rooters.
Scarifiers, power operated.
Scrapers, power operated.
Shovels:
  Power, crawler.
  Power, truck mounted.
  Self propelled.
  Tractor mounted.
Sprayers, bituminous.
Spreaders:
  Aggregate.
  Concrete.
  Sand.
Subgraders.
Surfacing machinery:
  Concrete.
  Asphalt.
Trailers, nonhighway, used with track laying and wheeled tractors (Industrial plant trailers and farm trailers are not included).
Tractors:
  Wheel type (not including farm tractors, automobile truck tractors or tractors designed for industrial hauling within or between industrial plants or terminals).
  Track laying.
Trenchers.
Trucks:
  Nonhighway Dump Type.
  Half track.
Vibrators, concrete.
Wagons, crawler.

All repair and replacement parts for the machinery and equipment listed above where supplied by the manufacturer of the complete item of machinery and equipment.

(b) As used in this order the phrase "base prices" means the maximum prices established under section 7 or computed under section 8, 9 or 10 of Revised Maximum Price Regulation 136 before the addition of any increase provided to an individual manufacturer by individual adjustment under the provisions of Revised Maximum Price Regulation 136 or under the provisions of Supplementary Order 142.

(c) *Manufacturer's maximum prices.* Except as provided in paragraph (d), the maximum prices for sales by manufacturers of any construction and road maintenance machinery and equipment shall be the manufacturer's base prices increased by 13.5%.

(d) (1) If the manufacturer's base prices are approved by the OPA as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to September 17, 1946 the maximum prices shall be the prices so approved.

(2) If the manufacturer's base prices were approved by the OPA as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to April 10, 1946 and prior to September 17, 1946 the maximum prices shall be the prices so approved increased by 3.5%.

(3) If the manufacturers base prices were approved by the Office of Price Administration as "in-line" prices under section 9 (c) of Revised Maximum Price Regulation 136 subsequent to September 28, 1945 and prior to April 10, 1946, the maximum prices shall be the prices so approved increased by 8.5%.

(e) The maximum prices for sales of any construction and road maintenance machinery and equipment by a reseller shall be the maximum prices in effect just prior to the issuance of this order increased by the percentage amount by which his net invoiced cost has been increased by reason of this order.

(f) *Discounts, allowances, etc.* All prices established under paragraphs c, d, and e shall be subject to the same discounts, deductions and other allowances in effect to any purchaser and class of purchaser just prior to the issuance of this order.

(g) Every manufacturer of construction and road maintenance machinery and equipment shall give written notice to his resellers of the percentage amount by which this order permits the reseller to increase his prices.

(h) Notwithstanding any of the provisions of this order, a manufacturer of construction and road maintenance machinery and equipment may charge and collect the maximum prices for sales of his products which he had in effect just prior to the issuance of this order.

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 17, 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER NO. 676 UNDER REVISED MAXIMUM PRICE REGULATION 136

The accompanying order provides a permanent price increase factor of 13.5% over base date prices for manufacturers and resellers of construction and road maintenance machinery and equipment. Some interim increases were previously authorized. Amendment 13 to Revised Maximum Price Regulation 136 effective September 28, 1945 provided an interim increase factor of 5% which was applicable until December 31, 1945 (which was thereafter extended to May 15, 1946 by Amendment 26 effective January 16, 1946) and Amendment 33 effective April 10, 1946 increased the percentage factor to 10% and made it applicable until June 15, 1946. As indicated in the statement of considerations accompanying Amendment 33, the Administrator then contemplated a new survey upon which final action for a price increase factor would be predicated. Amendment 43 extended to July 15, 1946, the period during which the interim increase of 10% would be effective and Amendment 46 extended the period indefinitely. The Administrator has now completed the survey contemplated and a consequent price increase factor is therefore set. Concurrently with the issuance of this Order Section 19 (k) of Revised Maximum Price Regulation 136, previously covering these items, is revoked.

A sample of the industry comprising thirty-one representative companies was used as the basis for calculation. The sample was carefully selected to reflect operations of companies both large and small, and in widely separated geographical areas, and having sales covering to a large extent the entire United States.

The calculations were made on the basis of recent operations, the figures for all companies having been submitted for operations covering the last quarter of 1945, which is considered as reflecting normal operations of the industry.

The figures submitted indicate that as of December 31, 1945, and without adjustments, the industry would have required a price increase factor of 10.4% in order to return to it its 1936–1939 ratio of profit to net worth of 13.1%.

Adjustments in these figures were made to reflect labor and material cost increases which have occurred since that date. These material increases are accounted for primarily by higher costs of steel, castings, engines, bearings and power transmission equipment. Expressed as a percentage of sales these upward adjustments are as follows:—Direct material 3.6%; indirect material 0.2%; direct labor 1.4%; indirect labor 1.8%; general and administrative expense 0.4%. The Administrator has also taken into consideration savings which may be expected to occur with the return of more normal operations and a settled labor condition and increased production estimated by the reporting companies. Adjustment was also made to take account of savings which may reasonably be expected to occur in the payment of overtime premiums.

These downward adjustments expressed as a percentage of sales amount to 1.4% for increased labor efficiency, 1.1% for reduction of overtime, and for anticipated increased volume 1.9%.

Of the companies included in the sample, twenty-one whose products equal 87.6% of the total sales of the sample have given authorized wage increases. Further investigation by the Administrator of other companies not included in the sample indicates that producers of at least 80% of the total production of the industry have now given authorized wage increases. In view of the large percentage of production for which approved wage increases have been put into effect and the advantage to be gained from a single uniform price increase, the Administrator finds that this action will promote effective price administration and, also, even though many of those producers who have not now granted price increases fail to follow the actions of other manufacturers in the matter of wage increases, their costs are such that upon individual application they would be entitled to receive relief in excess of the relief that might be granted to the industry as a whole without allowances for these wage increases to the industry.

In view of these facts, therefore, the Administrator has granted a permanent price increase factor of 13.5%.

Resellers for reasons explained in Amendment 33 to Revised Maximum Price Regulation 136 are permitted to pass on the full percentage increase.

[F. R. Doc. 46-16901; Filed, Sept. 17, 1946; 11:06 a. m.]

[MPR 188, Amdt. 5 to Order 7]

DOMESTIC SEWING MACHINES

CERTAIN RECONVERSION PRODUCTS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.159e of Maximum Price Regulation No. 188, *It is ordered:*

Order No. 7 under § 1499.159e of Maximum Price Regulation No. 188 is amended in the following respects:

Paragraph (d) is amended by changing the figure therein representing half the industry profit margin for the domestic sewing machine industry from 10.86 percent to 3.23 percent.

This amendment shall become effective on the 23d day of September 1946.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING AMENDMENT NO. 5 TO ORDER NO. 7 UNDER § 1499.159e OF MAXIMUM PRICE REGULATION NO. 188

Order No. 7 under § 1499.159e of Maximum Price Regulation No. 188 established a method by which manufacturers of certain types of reconversion products covered by Maximum Price Regulation No. 188 could obtain appropriate adjustments under the reconversion pricing program of this Office. The method established allowed manufacturers of the articles covered by Order No. 7 to be granted a reconversion increase based upon those material and labor cost increases cognizable by this Office under the reconversion pricing program and the higher of either the manufacturer's own average net profit margin for the period 1936–1939 or one-half the average industry profit margin during the same period. To permit the application of the method to each of the articles covered by the order, Order No. 7 also listed half the industry average profit margin for the period 1936–1939 for each industry producing the articles covered by the order.

Domestic sewing machines are one of the reconversion articles covered by Order No. 7. Accordingly, the order listed a percentage factor purportedly equal to half the industry average profit margin on sales (before income taxes) for the years 1936–1939 for the domestic sewing machine industry. The percentage factor listed was computed in part on the basis of actual income data from one company and in part from income data made available by the Bureau of Internal Revenue on the overall income of the other manufacturers in the industry for the years 1936–1939. These data permitted no accurate adjustment for that part of each manufacturer's income derived from sources other than his manufacturing operation. Since the date of issuance of Order No. 7 each of the four manufacturers has submitted to this Office data which permit such an adjustment to be made. When the requisite adjustment is made the industry average profit margin on sales (before income taxes) for the years 1936–1939 is reduced from 10.86 percent to 3.23 percent.

The change made in the profit factor will have no effect on the increases previously allowed two of the manufacturers of domestic sewing machines under Order No. 7 because such increases were based upon the manufacturers' own average base period profit on sales which exceeded half the industry average base period profit on sales.

[F. R. Doc. 46-16903; Filed, Sept. 17, 1946; 11:06 a. m.]

[MPR 580, Amdt. 7 to Order 30]

COOPER'S, INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 7 to Order 30. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-780.

For the reasons set forth in the opinion issued simultaneously herewith, Or-

der No. 30 issued under section 13 of Maximum Price Regulation 580 on application of Coopers Incorporated, Kenosha, Wisconsin, is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) The retail ceiling prices listed below are established for sales by any seller at retail of the following cost lines of underwear, having the brand name "Jockey", manufactured by Coopers Incorporated, Kenosha, Wisconsin:

Manufacturer's selling price (per dollar)	*Ceiling price at retail (per unit)*
$3.00	$0.40
3.25	.40
3.61	.46
3.85	.50
4.00	.50
4.10	.50
4.16	.53
4.34	.55
4.40	.55
4.92	.62
5.30	.70
5.55	.70
5.75	.70
5.75	.75
5.84	.74
6.00	.75
6.02	.76
6.50	.80
6.75	.85
7.00	.90
7.55	.95
7.80	.99
7.90	1.00
7.93	1.00
8.00	1.00
8.25	1.05
8.33	1.05
8.50	1.05
8.74	1.10
8.75	1.10
9.00	1.15
9.18	1.16
9.50	1.20
10.00	1.25
10.39	1.31
10.50	1.35
11.36	1.44
11.50	1.45
12.00	1.50
12.50	1.60
13.00	1.65
13.50	1.70
14.00	1.75
14.21	1.80
15.41	1.95
16.50	2.10
20.00	2.55
20.58	2.60
22.17	2.80
22.50	2.85
23.50	3.00
25.50	3.25
27.00	3.45

2. Paragraph (d) is amended to read as follows:

(d) At the time of or before the first delivery to any purchaser for resale of any article covered by this order, the seller shall send the purchaser a copy of the order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

This amendment shall become effective September 18, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 7 TO ORDER 30 UNDER MAXIMUM PRICE REGULATION NO. 580

The accompanying amendment to Order No. 30 issued to Coopers Incorporated, Kenosha, Wisconsin, under Section 13 of Maximum Price Regulation 580, increases the uniform retail ceiling prices of "Jockey" underwear styles for which the manufacturer has received price increases under Amendment 3 to Revised Supplementary Order 154, and revises paragraph (a) to include all of the manufacturer's cost lines which were covered by the order prior to this amendment. Previously, some of the cost lines covered by the order were not actually listed therein but were merely incorporated by reference to the manufacturer's original application for the order. The revision is made in the interest of a more effective administration of the order.

The amendment also revises the notice provision in paragraph (d).

[F. R. Doc. 46-16905; Filed, Sept. 17, 1946; 11:07 a. m.]

[MPR 586, Order 6]

STORAGE AND TERMINAL SERVICES

MISCELLANEOUS RATES ON FRESH FRUITS AND VEGETABLES STORED IN APPLE HOUSES

For the reasons set forth in the accompanying opinion, and under authority vested in the Price Administrator by section 7 (f) of Maximum Price Regulation 586, it is ordered:

(a) *What this order does.* This order provides a means whereby cold storage warehousemen affected by Amendment 8 to Supplementary Storage Regulation 1 under Maximum Price Regulation 586 (which establishes a maximum season storage rate on apples, pears, onions, and carrots, at 25 cents per bushel-per-season in the States of Maryland, New York, Pennsylvania, Virginia and West Virginia) may make similar increases in their rates for miscellaneous fresh fruits and vegetables or for the same fresh fruits and vegetables in different containers or stored under slightly different conditions.

(b) *Extent of increases.* Cold storage warehousemen in the States of Maryland, New York, Pennsylvania, Virginia and West Virginia who store apples, pears, onions or carrots on a per-bushel-per-season basis may increase their rates on other fresh fruits and vegetables, or their rates for storage of apples, pears, onions or carrots in containers other than bushels or for periods other than the customary season, by amounts consistent with an increase in the per-bushel-per-season rate on apples from 20 to 25 cents. In considering consistency with this change it may be considered that the purpose of Amendment 8 was to provide additional revenue for handling.

These increases may be made effective retroactively to dates not earlier than September 1, 1946 consistently with adjustable pricing agreements made under authority of Order No. 5 under section 9 of MPR 586, which was issued and effective August 30, 1946.

(c) *Procedure.* Increased rates proposed under this Order should be set out in tariff form and filed in triplicate with the Director of the Transportation, Services and Fuel Division, Office of Price Administration, Washington 25, D. C. within twenty days after the effective date of this Order or within ten days after first using the rates, whichever is later. They should be denoted as applications under section 7 of MPR 586 but need not be accompanied by any special justification other than a showing as to how the rates proposed to be advanced were originally related to the per-season apple rates, and how the proposed rates are related to the new per-season apple rates. Sizes and weights of containers should be specified to the extent necessary to compare with bushels of apples. Such supplements or new tariffs may be combined with supplements being filed under the provisions of Order 4 under MPR 586.

(d) *Action by the Administrator.* At any time within thirty days after receipt of the supplements or new tariffs mentioned above the Administrator may take action to disapprove in whole or in part any rates which appear to exceed levels consistent with Amendment 8.

(e) In respect of rate changes proposed or made pursuant to this order, the provisions of sections 7 and 12 of MPR 586 as to time and manner of filing rate changes are hereby waived and modified insofar as they require any actions or procedures not called for in this order.

This order shall be effective September 23, 1946.

NOTE: All reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 17th day of September 1946.

PAUL A. PORTER,
Administrator.

OPINION ACCOMPANYING ORDER 6 UNDER SECTION 7 OF MAXIMUM PRICE REGULATION 586

Amendment 8 to Supplementary Storage Regulation 1 under MPR 586, issued simultaneously with this Order, raises the basic storage and handling rate per-bushel-per-season on apples from 20 cents to 25 cents, applicable in Maryland, Virginia, West Virginia, Pennsylvania, and New York. The same 25 cent rate is made applicable also to pears, onions, and carrots.

Many of the apple houses affected by that Amendment store other fresh fruits and vegetables not named specifically in the Amendment, and also store named fresh fruits and vegetables in different containers and for different periods of time. For example, some apple houses instead of having a flat season rate divide their rates into a "short-hold" rate running to October 1 or November 1, and a "season" rate thereafter, which result in an actual rate a few cents higher than

that of the houses which maintain only season rates. The average revenue under the two rates might approximate 20 cents. In such cases it would be proper to increase both rates 5 cents. Generally, apple storage is in substantial quantities but some houses maintain rates for small lots frequently denoted "home use" rates. Consistently with Amendment 8, it would be proper to increase these rates even though they are now higher than 25 cents per-bushel-per-season, except that if the warehouseman elects to take full advantage of Order No. 4 under MPR 586, and assesses a charge of 50 cents per delivery for home-use apples, it would not appear necessary or proper to increase these rates. There are various other rating methods and practices which would require individual analysis and adaptation to the Amendment 8 standard. For that reason this order provides a means whereby the warehousemen may work out their own rate changes applicable to products not specifically covered by Amendment 8, but subject to the same general considerations as apple storage, under a modification of the Section 7 procedure permitting use of the new rates with subsequent review by the Office of Price Administration. It is not the purpose of this Order to increase rates for general cold storage or to increase rates which cover storage only.

[F. R. Doc. 46-16906; Filed, Sept. 17, 1946; 11:07 a. m.]

[MPR 610, Amdt. 3 to Order 1]

FEDERAL MOTOR TRUCK CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 8 of Maximum Price Regulation 610, *It is ordered:*

Order No. 1 under Maximum Price Regulation 610 is amended in the following respects:

1. The schedule in paragraph (a) (1) is amended to include the following truck chassis and their respective net wholesale and list prices:

Model No.	Description	Wheelbase (inches)	Net wholesale price	List price
29M	Chassis, truck, 20,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 29, excepting the following modifications and additions: counterbalanced crankshaft; hand brake mounting on left side of chassis instead of on transmission; increased capacity front chassis springs; solid bushing and ground pin mounting instead of rubber bushing mounting; hydrovac booster and connections instead of BK-PDLS; side cowl ventilators; sealed beam headlamps with parking lamps and indicator; bumper—channel type front instead of spring type; 9.00 x 20 10-ply front and dual rear synthetic rubber tires instead of 7.50 x 20 8-ply front and dual rear natural rubber tires.	135	$1,934.43	$2,745
		146	1,971.01	2,797
		155	1,984.72	2,817
		167	2,007.58	2,849
		180	2,039.58	2,895
		194	2,067.01	2,934
29M2	Chassis, truck, 20,000 pounds gross vehicle weight, standard specifications and equipment as shown for Model 29M, above, excepting the following modification: Timken 2-speed rear axle 97610 with vacuum shifting device instead of Timken 56411 rear axle	135	2,094.35	2,961
		146	2,130.92	3,013
		155	2,144.64	3,033
		167	2,167.49	3,065
		180	2,199.50	3,110
		194	2,226.93	3,149
29MA	Chassis, truck, 20,000 pounds gross vehicle weight, standard specifications and equipment as shown for Model 29M, above, excepting the following modifications: Timken 58301 rear axle instead of Timken 56411 rear axle, 6031 auxiliary transmission; 12" Trustop American Cable brake	135	2,362.54	3,316
		146	2,399.11	3,368
		155	2,412.83	3,387
		167	2,435.69	3,419
		180	2,467.69	3,464
		194	2,495.12	3,502
45M	Chassis, truck, 24,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 45, excepting the following modifications and additions: Continental B-6427 engine instead of Waukesha 6MKR engine; 10.00 x 20 12-ply front and dual war synthetic tires on cast wheels and 9-10 rims instead of 9.00 x 20 10-ply front and dual rear natural rubber tires on cast wheels and 8" rims; air brakes instead of hydraulic brakes; addition of front wheel limiting valve and extra air reservoir; 14" diameter clutch instead of 13" diameter clutch; Trustop emergency brake instead of band brake; 35011 Timken front axle instead of 33000; radius rods instead of Hotchkiss drive on rear springs; one additional side mounted gasoline tank; overdrive transmission—Clark 270VO—instead of 270V; hand brake mounted on left side of chassis instead of in center at transmission; Gemmer 400 steering gear instead of Ross 700; Spicer 1600 series propeller shaft instead of 1500; 40 amp. generator instead of 21 amp.; oversize radiator core and tank; painted radiator shell assembly instead of chrome; tow hooks mounted on front; 19 plate battery instead of 17 plate; oversize springs—front and rear; ¾" lining on rear axle; Zenith 63 AW 16R carburetor governor assembly instead of 28BV12R (wheelbase):	143	3,440.72	5,131
		155	3,440.72	5,131
		167	3,470.44	5,175
		179	3,500.15	5,219
		203	3,580.81	5,340
45M2	Chassis, truck, 24,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 45M above excepting the following modifications: Timken two-speed rear axle—98415—with vacuum shifting device instead of 58301; 10.00 x 22 12-ply front and dual rear synthetic rubber tires on cast wheels and 9-10 rims instead of 10.00 x 20 12-ply front and dual rear synthetic rubber tires mounted on cast wheels and 9-10 rims (wheelbase).	143	3,849.57	5,674
		155	3,849.57	5,674
		167	3,879.29	5,718
		179	3,909.00	5,762
		203	3,989.66	5,881
55M	Chassis, truck, 27,000 pounds gross vehicle weight; 1942 standard specifications and equipment of Model 55 excepting the following modifications and additions: Continental B-6427 engine instead of Waukesha 6MZR; 11.00 x 22 12-ply front and dual rear synthetic rubber tires on cast wheels and 9-10 rims instead of 9.00 x 20 10-ply front and dual rear natural rubber tires on cast wheels and 8" rims; air brakes instead of hydraulic; addition of front wheel limiting valve and extra air reservoir; 14" diameter clutch instead of 13" diameter clutch; Timken 36020 front axle instead of 35000; Timken S-200 rear axle instead of 75743; one additional side mounted gaoline tank; overdrive transmission—Clark 270VO—instead of 270V; hand brake mounted on left side of chassis instead of in center at transmission; Gemmer 400 steering gear instead of Ross 700; 40 amp. generator instead of 21 amp.; oversize radiator core and tank; painted radiator shell assembly instead of chrome; two hooks mounted on front; 19 plate battery instead of 17 plate; ¾" brake lining on rear axle; Zenith carburetor and governor assembly 63AW16R instead of Monarch governor R7-87 and Zenith carburetor 1N-67 (Wheelbase):	143	4,078.14	6,100
		155	4,078.14	6,100
		167	4,107.86	6,145
		179	4,137.57	6,189
		203	4,218.23	6,310
55MA	Chasis, truck, 27,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 55M above excepting the following modifications: main transmission direct on fifth 270V instead of overdrive 270VO; 6031 auxiliary transmission (wheelbase).	143	4,323.91	6,426
		155	4,323.91	6,426
		167	4,353.63	6,470
		179	4,383.35	6,514
		203	4,464.00	6,634
60MA	Chassis, truck, 28,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 55M above excepting the following modifications: Continental 22R engine instead of Continental B-6427 engine; main transmission—Fuller 5A65—instead of Clark 270VO; 703 auxiliary transmission—Spicer 1700 series propeller shaft instead of 1600; Gemmer 500 steering gear instead of Gemmer 400 (wheelbase).	143	4,939.63	7,236
		155	4,939.63	7,236
		167	4,969.34	7,280
		179	4,999.06	7,324
		203	5,079.72	7,442
60M2	Chassis, truck, 28,000 pounds gross vehicle weight; standard specifications and equipment as shown for Model 55M above excepting the following modifications: Continental 22R engine instead of Continental B-6427; main transmission—Fuller 5A650—instead of Clark 270VO; Spicer 1700 series propeller shaft instead of 1600; Gemmer 500 steering gear instead of 400; Timken S-300 two-speed rear axle with vacuum shifting device instead of Timken S-200 rear axle (wheelbase).	143	4,696.35	6,924
		155	4,696.35	6,924
		167	4,726.07	6,968
		179	4,755.79	7,011
		203	4,836.44	7,130

This amendment shall become effective September 20, 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING AMENDMENT 3 TO ORDER 1, UNDER MAXIMUM PRICE REGULATION 610

The Federal Motor Truck Company, Detroit, Michigan, has applied, pursuant to section 8 of Maximum Price Regulation 610, for maximum prices on its truck chassis models 29M, 29M2, 29MA, 45M, 45M2, 55M, 55MA, 60MA, 60M2, 65M2, 65MA, together with items of extra or optional equipment for use with these trucks. The maximum prices authorized in the amendment which this opinion accompanies supersede adjusted maximum prices granted under Revised Maximum Price Regulation 136, for nine of the models. The authorized prices for the remaining two models, 65M2 and 65MA, supersede prices in effect since March 31, 1942. The gross vehicle weights of the models covered by this action range from 20,000 pounds for model 29M to 35,000 pounds for model 65MA.

In general, section 8 of the regulation permits the establishment of maximum prices for manufacturers by the calculation of a price increase factor for each commodity line reflecting legal increases since January 1, 1941 in materials prices and basic wage rate schedules and a profit margin over cost, the application of this increase factor to 1941 model prices and the adjusting of the resulting prices to show increases or decreases in direct labor and direct materials costs due to changes in specification, design,

material and equipment from the 1941 models.

The increases in basic wage rate schedules and in the general level of materials prices, including increases consistent with Executive Order 9697, and profit, which were reflected in the Federal inrcease factor were in accordance with the provisions of section 8. Section 8 was adhered to in determining increases in direct labor and materials cost resulting from changes in specification, design, material and equipment incorporated in the new trucks and in determining the overall price increase factor. The price increase factor and the increases resulting from specification changes were correctly applied to the 1941 model prices. In these circumstances, the prices requested by Federal for its sales have ben authorized in the accompanying order.

The Company's maximum prices for its sales consist of a net wholesale price for the truck and extra or optional equipment plus charges for transportation, Federal excise taxes, and handling and delivery.

In accordance with section 10 of Maximum Price Regulation 610, the order also includes adjusted maximum prices for resellers in the United States and for resellers in Porto Rico and the Territory of Alaska. Resellers' adjusted maximum prices reflect the increases in prices given to the applicant, Federal Motor Truck Company, and preserve the resellers' customary prewar margin on their increased cost. Maximum prices for resellers consist of list prices for the new trucks and optional equipment plus the applicable charge for transportation, state and local taxes, federal excise taxes, factory handling and delivery, and preparing and conditioning set forth in section 10. For resellers in Porto Rico and the Territory of Alaska, provision is made for additional charges as set forth in section 11. As required by section 12, the Company must notify resellers of list prices and discounts for the new trucks and extra or optional equipment.

The prices authorized in this amendment are in accordance with the provisions of Maximum Price Regulation 610 and the provisions of the Emergency Price Control Act of 1942, as amended.

[F. R. Doc. 46-16908; Filed, Sept. 17, 1946; 11:08 a. m.]

[MPR 188, Order 8 Under Order 7]

E. R. WAGNER MFG. CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Order No. 7 under § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturers' ceiling prices.* E. R. Wagner Manufacturing Company, 4611 N. Thirty Second Street, Milwaukee 9, Wisconsin, may compute its adjusted ceiling prices for carpet sweepers of its manufacture by increasing by 14.1 percent the ceiling prices to each class of purchaser as established by Maximum Price Regulation No. 188.

As used in this paragraph "ceiling prices as established under Maximum Price Regulation No. 188", shall mean the ceiling prices established under that regulation without the inclusion in those ceiling prices either directly or indirectly of any adjustment, either individual or industry-wide.

(b) *Ceiling prices of purchasers for resale.* (1) A purchaser for resale, who had an established ceiling price prior to June 26, 1946, for any article, whose manufacturer's ceiling price was adjusted in accordance with the provisions of this order, may increase that established ceiling price by 14.1 percent.

(2) A purchaser for resale who had no established ceiling price prior to June 26, 1946, for any article whose ceiling price is subject to this order, shall determine his ceiling price by adding to his invoice cost the same percentage markup which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose the "most comparable article" is one which meets all the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of articles to which, according to customary trade practices, an approximately uniform percentage markup is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration, however, each seller must keep complete records showing all the information called for by OPA Form 620-759 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the resale ceiling price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted ceiling prices for resales of the articles. This notice may be given in any convenient form.

(e) All requests contained in the application for price adjustment filed by E. R. Wagner Manufacturing Company, assigned OPA Docket No. 6069-SO 119-79C, not specifically granted by this order are hereby denied.

(f) The provisions of Supplementary Order No. 153, shall have no application to any sale or delivery of any article subject to this order.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 17th day of September 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 8 UNDER ORDER NO. 7 UNDER SECTION 1499.159e OF MAXIMUM PRICE REGULATION NO. 188

The accompanying order is issued under Order No. 7 under § 1499.159e of Maximum Price Regulation No. 188, hereinafter referred to as Order No. 7, pursuant to an application filed by E. R. Wagner Manufacturing Company, 4611 N. Thirty Second Street, Milwaukee 9, Wisconsin, hereinafter referred to as the applicant, for an adjustment of its ceiling prices for carpet sweepers of its manufacture.

Carpet sweepers are listed in Order No. 7 as a reconversion product. Order No. 7 provides that manufacturers of products listed in Order No. 7 may obtain individual adjustments of their ceiling prices in accordance with the provisions of Revised Supplementary Order No. 119, except that instead of using the profit factors made applicable by Revised Supplementary Order No. 119, there shall be used the manufacturer's average net profit margin for the period, 1936-1939, or one-half the average industry profit margin for that period whichever is higher.

The procedures set forth in Revised Supplementary Order No. 119, as modified by Order No. 7, have been followed, and a price increase factor for carpet sweepers of the applicant's manufacture has been determined in accordance with the provisions of the order. Insofar as the applicant requested a greater increase factor, the application is denied by the accompanying order.

In processing the application this Office has adjusted the applicant's 1941 Profit and Loss Statement to reflect a 32.4% overall material increase factor and a 21.5% overall labor increase factor and allowed for the applicant's average base period profit factor which was higher than one-half of the industry's average base period profit margin.

The 32.4% overall material increase factor represents the maximum allowable increase factors for the different types of material that the applicant uses in its production of carpet sweepers. The weighting has been on the basis of the proportions in which the applicant uses these various materials in its production of the product.

When the applicant's original Revised Supplementary Order No. 119 application was processed, the over-all material increase factor used was 25%. The dif-

ference between the factor and that used in processing the current application is accounted for by legal increases in the prices of materials occurring since the time the original application was processed.

The 21.5% over-all labor increase factor used currently is the same as that used in processing the applicant's original application under Revised Supplementary Order No. 119. The reasons for the use of this factor are set forth in the opinion which accompanied the issuance of Order No. 269 under Revised Supplementary Order No. 119, and are incorporated herein by reference.

The balance of the difference between the price increase factor provided for by the accompanying order and that provided for in Order No. 269 under Revised Supplementary Order No. 119 is accounted for by the use of the profit factor authorized by Order No. 7.

The procedures of Order No. 7 justify issuance of an order authorizing the applicant to increase its October 1941 prices by 25%; however, from the information submitted to this Office, it appears that in February 1942, the applicant increased its prices by 9.6% which increased prices became the applicant's ceiling prices under Maximum Price Regulation No. 188. Accordingly an increase of 25% in the applicant's October 1941 prices is equivalent to an increase of 14.1% in the applicant's ceiling prices as established by Maximum Price Regulation No. 188. It is administratively desirable to provide increase factors over properly established ceiling prices wherever possible, accordingly, the accompanying order authorizes the applicant to increase its Maximum Price Regulation No. 188 ceiling prices by 14.1%.

Purchasers for resale of the product which the manufacturer sells at adjusted prices are permitted to pass on to their customers the increase authorized for and which they pay to their supplier. This is in accordance with the requirements of section 2 (t) of the Emergency Price Control Act of 1942, as amended, which provides in substance that resellers shall be allowed to recover their average current cost of requisition plus such average percentage discount or markup as was in effect on March 31, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16781; Filed, Sept. 17, 1946; 8:57 a. m.]

[MPR 188, Order 4 Under Order 14]

E. INGRAHAM CO.

MODIFICATION OF PRE-TICKETING PROVISIONS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

(a) *Extension granted to manufacturer.* The Ingraham Company, Bristol, Connecticut, may continue to sell and deliver up to and including September 23, 1946, all clocks and watches of its manufacture covered by Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, which are tagged with their retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946.

(b) *Notification to purchasers for resale.* (1) The manufacturer shall notify purchasers for resale of the articles covered by this order in writing that the retail ceiling price tags affixed to these articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(2) A purchaser for resale at wholesale of the articles covered by this order who receives a notice provided for in (1) above shall notify his customers in writing that the retail ceiling price tags affixed to these articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(c) *What prices may be charged.* A purchaser at wholesale of an article covered by this order who has received a notice in accordance with the provisions of paragraph (b) hereof shall calculate his ceiling price in accordance with the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 based on the retail ceiling price stated in the said notice to be the retail ceiling price in effect on the date of delivery. A retailer may sell such an article at the retail ceiling price which is stated on the notice he receives in accordance with the provisions of paragraph (b) hereof to be the retail ceiling in effect on the date of delivery.

(d) *What to do with retail price tags.* A retailer who receives an article covered by this order with a tag that states the retail ceiling price as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946, together with a notice stating the retail ceiling price as of the date of delivery shall substitute the retail ceiling price in effect on the date of delivery for the retail ceiling price which appears on the tag.

This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 4 UNDER ORDER NO. 14 UNDER SECTION 1499.159e OF MAXIMUM PRICE REGULATION NO. 188

Amendment No. 1 to Order No. 14 under Section 1499.159e of Maximum Price Regulation No. 188 modified the provisions of the order which provided for the determination of resellers' ceiling prices of certain clocks and watches. This was done so that Order No. 14 was brought into conformity with Section 2 (t) of the Emergency Price Control Act of 1942, as amended which provides that "in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

Section 7 of Order No. 14 provides that unless otherwise authorized by the Office of Price Administration no manufacturer may, on or after June 12, 1946, ship to any purchaser a clock or watch for which the retail ceiling price is fixed by the order unless there is attached to it a retail ceiling price tag or label.

The E. Ingram Company, Bristol, Connecticut, has applied for an order under this section extending its time to comply with the section because in view of the short period of time between the issuance and effective date of the amendment to Order No. 14, it was not in a position to comply immediately with the amended tagging requirements.

The accompanying order therefore extends the company's time to September 23, 1946 to tag the clocks and watches covered by this order with the new retail prices. By that time the company should have received new tags from its supplier, and have had time to make the necessary changes.

The order also makes appropriate provision to ensure that purchasers for resale may sell at the new ceiling prices and not the old even though the old prices appear on the tags. Retailers are permitted to substitute the new for the old prices. The order is therefore in conformity with section 2 (t) mentioned above.

[F. R. Doc. 46-16800; Filed, Sept. 17, 1946; 8:57 a. m.]

[MPR 188, Order 5 Under Order 14]

SESSIONS CLOCK CO.

MODIFICATION OF PRE-TICKETING PROVISIONS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 7 of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, it is ordered:

(a) *Extension granted to manufacturer.* The Sessions Clock Company, 61 E. Main Street, Forestville, Connecticut, may continue to sell and deliver up to and including September 23, 1946, all clocks and watches of its manufacture covered by Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188, which are tagged with their retail ceiling prices as computed under the pro-

visions of Order No. 14 under § 1499.1593 of Maximum Price Regulation No. 188 as in effect on August 18, 1946.

(b) *Notification to purchasers for resale.* (1) The manufacturer shall notify purchasers for resale of the articles covered by this order in writing that the retail ceiling price tags affixed to those articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(2) A purchaser for resale at wholesale of the articles covered by this order who receives a notice provided for in (1) above shall notify his customers in writing that the retail ceiling price tags affixed to those articles in accordance with paragraph (a) above contain the retail ceiling prices as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946; and shall also notify such purchasers of the proper retail ceiling prices as of the date of delivery. This notice may be given in any convenient form.

(c) *What prices may be charged.* A purchaser at wholesale of an article covered by this order who has received a notice in accordance with the provisions of paragraph (b) hereof shall calculate his ceiling price in accordance with the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 based on the retail ceiling price stated in the said notice to be the retail ceiling price in effect on the date of delivery. A retailer may sell such an article at the retail ceiling price which which is stated on the notice he receives in accordance with the provisions of paragraph (b) hereof to be the retail ceiling in effect on the date of delivery.

(d) *What to do with retail price tags.* A retailer who receives an article covered by this order with a tag that states the retail ceiling price as computed under the provisions of Order No. 14 under § 1499.159e of Maximum Price Regulation No. 188 as in effect on August 18, 1946 together with a notice stating the retail ceiling price as of the date of delivery shall substitute the retail ceiling price in effect on the date of delivery for the retail ceiling price which appears on the tag.

This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5 UNDER ORDER NO. 14 UNDER SECTION 1499.159e OF MAXIMUM PRICE REGULATION NO. 188

Amendment No. 1 to Order No. 14 under Section 1499.159e of Maximum Price Regulation No. 188 modified the provisions of the order which provided for the determination of resellers' ceiling prices of certain clocks and watches. This was done so that Order No. 14 was brought into conformity with section 2 (t) of the Emergency Price Control Act of 1942, as amended which provides that "in establishing maximum prices applicable to wholesale or retail distribution, the Administrator shall allow the average current cost of acquisition of any commodity, plus such average percentage discount or markup as was in effect on March 31, 1946."

Section 7 of Order No. 14 provides that unless otherwise authorized by the Office of Price Administration no manufacturer may, on or after June 12, 1946, ship to any purchaser a clock or watch for which the retail ceiling price is fixed by the order unless there is attached to it a retail ceiling price tag or label.

The Sessions Clock Company, 61 E. Main Street, Forestville, Connecticut, has applied for an order under this section extending its time to comply with the section because in view of the short period of time between the issuance and effective date of the amendment to Order No. 14, it was not in a position to comply immediately with the amended tagging requirements.

The accompanying order therefore extends the company's time to September 23, 1946 to tag the clocks and watches covered by this order with the new retail prices. By that time the company should have received new tags from its supplier, and have had time to make the necessary changes.

The order also makes appropriate provision to ensure that purchasers for resale may sell at the new ceiling prices and not the old even though the old prices appear on the tags. Retailers are permitted to substitute the new for the old prices. The order is therefore in conformity with section 2 (t) mentioned above.

[F. R. Doc. 46-16801; Filed, Sept. 17, 1946; 8:54 a. m.]

[MPR 188, Order 5185]

ROYAL LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by the Royal Lamp Manufacturing Company, 936 West Wyoming Avenue, Philadelphia 40, Pa.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Hand-decorated plaster composition juvenile lamp and shade	875	*Each* $3.40	*Each* $4.00	*Each* $7.20
Hand-decorated plaster table lamp and shade	936	5.53	6.50	11.70

These maximum prices are for the articles described in the manufacturer's application dated August 28, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Philadelphia, Pennsylvania, 2% 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5185 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 28, 1946, The Royal Lamp Manufacturing Company, 936 W. Wyoming Avenue, Philadelphia 40, Pennsylvania, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Reg-

ulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers mark-ups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16803; Filed, Sept. 17, 1946; 8:51 a. m.]

[MPR 188, Order 5184]

LAUREL LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Laurel Lamp Manufacturing Company, Rome and Magazine Streets, Newark 5, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Plated-metal 6-way floor lamp with glass diffuser	R-2	*Each* $11.65	*Each* $13.70	*Each* $24.65
Plated-metal 3-way torchiere with glass reflector and onyx base	T-4	16.58	19.50	35.10
All-glass torchiere with reflector and mirrored base	T-6	25.16	29.60	53.25

These maximum prices are for the articles described in the manufacturer's application dated August 20, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Newark, New Jersey, 2% 10 days, net 30. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5184 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 20, 1946, the Laurel Lamp Manufacturing Company, Rome & Magazine Streets, Newark 5, New Jersey, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16802; Filed, Sept. 17, 1946; 8:54 a. m.]

[MPR 188, Order 5186]

REISCO, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Reisco, Incorporated, 220 Straight Street, Paterson 1, N. J.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Moulded plastic ventilated adjustable bed lamp	1	*Each* $2.40	*Each* $2.82	*Each* $5.10

These maximum prices are for the articles described in the manufacturer's application dated August 16, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Patterson, New Jersey, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been

authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5186 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 16, 1946, Reisco, Incorporated, 220 Straight Street, Patterson 1, New Jersey, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16804; Filed, Sept. 17, 1946; 8:50 a. m.]

[MPR 188, Order 5187]

SUNSET LAMP & SHADE CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Sunset Lamp & Shade Company, Incorporated, 341 South Western Avenue, Los Angeles 5, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
Triple fired under-glazed and over-glazed china figure table lamp with hand-carved wood mounting and custom-made shade.	100, 101, 102, 119, 156, 157, 158.	*Each* $37.19	*Each* $43.75	*Each* $78.75
Do	110, 147, 148, 149, 150, 151.	16.79	19.75	35.55
Do	111, 112, 152, 153, 154, 155.	14.41	16.95	30.51
Do	115, 116, 170, 171, 172, 173.	18.28	21.50	38.70
Same as above with hand-made filigree mounting (metal).	117, 174 175, 176, 177, 178.	32.94	38.75	69.75
Do	118, 164, 165, 166, 167, 168.	29.33	34.50	62.10
Triple fired under-glazed and over-glazed dresden china figure table lamp, gold encrusted with hand-made filigree mounting (metal) and custom-made shade.	120, 121, 160, 161, 162, 163.	46.75	55.00	99.00
Triple fired under-glazed and over-glazed china figure table lamp with hand-carved wood mounting and custom-made shade.	125, 126, 143, 144, 145, 146.	19.13	22.50	40.50
Triple fired under-glazed and over-glazed china figure table lamp with hand-carved wood mounting and custom-made shade.	127, 128, 129, 140, 141, 142.	13.39	15.75	28.35

These maximum prices are for the articles described in the manufacturer's application dated August 16, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Los Angeles, California, 1% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5187 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 16, 1946, Sunset Lamp & Shade Company, Incorporated, 341 S. Western Avenue, Los Angeles 5, California, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale

prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16805; Filed, Sept. 17, 1946; 8:49 a. m.]

[MPR 188, Order 5188]

ELECTRA LAMP MFG. CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Electra Lamp Manufacturing Co., 5914 South Western Avenue, Los Angeles 44, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturer to—		For sale by any person to consumers
		Jobbers	Retailers	
California pottery table lamp with ashwood mounting	100	*Each* $7.68	*Each* $9.03	*Each* $16.25
Do	102	6.80	8.00	14.40
Do	103	10.63	12.50	22.50

These maximum prices are for the articles described in the manufacturer's application dated August 9, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Los Angeles 44, California, 2% 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5188 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated August 9, 1946, Electra Lamp Mfg. Co., 5914 South Western Avenue, Los Angeles 44, California, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the Regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers mark-ups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16806; Filed, Sept. 17, 1946; 8:49 a. m.]

[MPR 188, Order 5189]

OGDEN LAMP COMPANY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Ogden Lamp Company, 2115 West Ogden Avenue, Chicago, 12, Ill.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sale by manufacturers to—		For sale by any person to consumers
		Jobbers	Retailers	
Plated metal junior medium base floor lamp with paper parchment shade.	100	*Each* $5.95	*Each* $7.00	*Each* $12.60
Decorated china table lamp with gold plated metal mounting and taffeta shade.	515	7.65	9.00	16.20
Do	516	7.65	9.00	16.20
Do	517	7.65	9.00	16.20
Gold plated metal table lamp with taffeta shade.	518	6.33	7.45	13.41
Do	519	7.01	8.25	14.85
Do	520	7.24	8.52	15.34
Gold or bronze plated metal table lamp and paper parchment shade.	521, 522, 523.	4.68	5.51	9.18

These maximum prices are for the articles described in the manufacturer's application dated June 18, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Chicago, Illinois, 1% 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number ------
OPA Retail Ceiling Price—$------
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order

for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 18th day of September 1946.

Issued this 17th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

OPINION ACCOMPANYING ORDER NO. 5189 UNDER SECTION 1499.158 OF MAXIMUM PRICE REGULATION NO. 188

By application dated June 18, 1946, the Ogden Lamp Company, 2115 West Ogden Avenue, Chicago 12, Illinois, herein called the applicant, requested the Office of Price Administration to establish maximum prices for sales of lamps which it manufactures.

Since the applicant has not previously manufactured an article the maximum price of which may be used as a basis for pricing the articles described in the application under one of the first three pricing methods of Maximum Price Regulation No. 188, it has been necessary to consider the application under the Fourth Pricing Method, § 1499.158, which requires that prices be set in line with the level of maximum prices established by Maximum Price Regulation No. 188.

The specifications, construction and design of the applicant's product have been compared with those of comparable competitive articles for which maximum prices have been properly established under the regulation. The prices established by this order are in line with the maximum prices of those comparable articles for sales to the same classes of purchasers and are, therefore, in line with the level of maximum prices established by Maximum Price Regulation No. 188.

Highly inflationary tendencies have developed as a result of a great shortage in the supply of these articles. The Administrator has, therefore, deemed it advisable to establish maximum resale prices. These prices are in line with the general levels of maximum resale prices for similar merchandise, allowing the sellers markups normally enjoyed in the industry for their types of distributive operations.

[F. R. Doc. 46-16807; Filed, Sept. 17, 1946; 8:47 a. m.]

[MPR 591, Order 818]

VAN ARNAM MFG. CO.

ADJUSTMENT OF MAXIMUM PRICE

Order No. 818 under section 16 of Maximum Price Regulation No. 591. Docket No. 6128-591.16-306. Van Arnam Manufacturing Company, Fort Wayne, Indiana.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to Section 16 of Maximum Price Regulation 591, it is ordered:

(a) *Adjustment of maximum price for the Van Arnam Manufacturing Company of Fort Wayne, Indiana.* (1) This order authorizes the Van Arnam Manufacturing Company of Fort Wayne, Indiana to increase by 1.7 percent its properly established net prices in effect on June 30, 1946, to each class of purchaser for its line of toilet seats.

(2) The maximum net prices set forth in (a) (1) above are subject to discounts, allowances including transportation allowances and the rendition of services which are at least as favorable as those which the Van Arnam Manufacturing Company extended or rendered or would have extended or rendered to each class of purchaser during March 1942 on comparable sales of toilet seats.

(b) *Maximum Prices for resellers.* (1) All resellers of the commodities covered by this order (but not manufacturers who purchase such items for use in the manufacture of other products) may add to their properly established maximum prices in effect on June 30, 1946, the percentage increase in cost to them resulting from the increase granted the manufacturer by this order.

(c) *Notification to all purchasers.* The Van Arnam Manufacturing Company shall send the following notice to every purchaser of the commodities covered by this order at or before the first invoice after the effective date of this order.

Order No. 818 under Section 16 of Maximum Price Regulation No. 591 provides for a 1.7 percent increase in maximum net prices in effect on June 30, 1946, for sales by the Van Arnam Manufacturing Company, for its line of toilet seats.

Resellers (but not manufacturers who purchase these items for use in the manufacture of other products) may add to their existing maximum prices the percentage increase in cost to them resulting from the adjustment granted the manufacturer by Order 818.

(d) All requests of the application of the Van Arnam Manufacturing Company of Fort Wayne, Indiana, not herein granted are, denied.

(e) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective September 17, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16768; Filed, Sept. 17, 1946; 8:51 a. m.]

[MPR 591, Order 816]

AMERICAN GAS BURNER, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Prices Regulation No. 591; *It is ordered:*

(a) The maximum net price, f. o. b. point of shipment, for sales by any person to consumers of the following gas conversion burner, manufactured by the American Gas Burner Incorporated and as described in the application dated June 7, 1946 shall be:

CONVERSION GAS BURNER

Model No. 1—29" x 18" x 8" aluminum and brass	$175

(b) Maximum net price, f. o. b. point of shipment on sales to dealers in the maximum net price in (a) above less 17 percent discount.

(c) Maximum net price f. o. b., point of shipment on sales to distributors is the maximum net price in (a) above less 30 percent discount.

(d) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(f) Each seller covered by this order, except on sales to a consumer, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 17, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16766; Filed, Sept. 17, 1946; 8:50 a. m.]

[MPR 592, Order 146]

MINERAL INSULATION CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 146 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Mineral Insulation Company. Docket No. 6122-592.16-283.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The maximum net prices, after application of freight allowances and discounts, established under Maximum Price Regulation 592 for sales of granulated and loose mineral wool insulation by the Mineral Insulation Company, Chicago, Illinois, to its different classes of purchasers, may be increased by an amount not in excess of 10 percent.

(b) All other provisions governing the sales of granulated and loose mineral wool, as set forth in Maximum Price Regulation 592 remain in effect for sales made by the Mineral Insulation Company, Chicago, Illinois.

(c) Any person purchasing granulated and/or loose mineral wool insulation from the Mineral Insulation Company for the purpose of resale in the same form or forms may increase his present maximum prices, established under the General Maximum Price Regulation, by an amount not exceeding the percentage increase in acquisition costs to him resulting from the increases permitted the Mineral Insulation Company by (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order, such specific maximum prices shall apply in that area.

(d) All requests of the application not granted herein are denied.

(e) This order may be amended or revoked by the Office of Price Administration at any time.

This Order No. 146 shall become effective September 17, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16769; Filed, Sept. 17, 1946; 8: 51 a. m.]

[MPR 592, Order 147]

SOUTHERN MATERIALS CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 147 under section 16 of Maximum Price Regulation No. 592. Specified construction materials and refractories. Southern Materials Company, Inc. Docket No. 6122-592.16-268.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to section 16 of Maximum Price Regulation No. 592, *It is ordered:*

(a) The presently established maximum f. o. b. plant or delivered prices for sales by the Southern Materials Company, Inc., Norfolk, Virginia, of its entire line of sand, gravel and ready-mixed concrete may be increased by an amount not in excess of 9.3 percent.

(b) The maximum prices established in (a) above shall be subject to cash, quantity and other discounts and other terms and conditions of sale at least as favorable as the seller extended or rendered to purchasers of the same class during March 1942.

(c) Any person purchasing any of the products covered by this order, produced by the Southern Materials Company, Inc., for the purpose of resale in the same form may increase his presently established prices under the General Maximum Price Regulation by adding the percentage increase in cost to him resulting from the increase permitted the manufacturer under (a) above. Notwithstanding the provisions of this paragraph, in any area where specific maximum prices are fixed by an area pricing order such specific maximum prices shall apply in that area.

(d) All provisions of Maximum Price Regulation 592 not inconsistent with this order shall apply to sales covered by this order.

(e) All requests of the applicant not granted herein are denied.

(f) This order may be amended or revoked by the Office of Price Administration at any time.

This order shall become effective September 17, 1946.

Issued this 16th day of September 1946.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 46-16770; Filed, Sept. 17, 1946; 8:51 a. m.]

Regional and District Office Orders.

[Region II 3d Rev. Adopting Order 1 Under Basic Order 1, Under Gen. Order 68]

SOFTWOOD PLYWOOD IN NEW JERSEY, MARYLAND, DELAWARE, THE DISTRICT OF COLUMBIA, EASTERN PENNSYLVANIA AND EASTERN NEW YORK

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region II by the Emergency Price Control Act of 1942, as amended, by General Order 68 as amender, and by Revised Procedural Regulation No. 1, it is hereby ordered:

SECTION 1. *What this order covers.* This Third Revised Adopting Order under Basic Order No. 1 as amended, under General Order 68 as amended, covers all retail sales of the sizes and types of plywood listed in the annexed price tables [1] made by sellers located in the States of Delaware, Maryland, and New Jersey, and the District of Columbia, and in the State of New York, except the counties of Niagara, Erie, Chautauqua, and Cattaraugus, and the State of Pennsylvania except the counties of Warren, Forrest, Clarion, Armstrong, Westmoreland, Washington, Beaver, Butler, Allegheny, Lawrence, Mercer, Crawford, Erie, and Venango. The territory covered by this Revised Adopting Order is that in which the carload freight rate on plywood from Seattle, Washington, is $1.00 per cwt. All provisions of Basic Order No. 1 as amended, under General Order No. 68 as amended, are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 1 is further amended in any respect the provisions of said order as amended shall likewise without further action become part of this order. All persons subject to this Adopting Order are also subject to Basic Order No. 1 as amended under General Order No. 68 as amended, and should be familiar with the provisions of said order. This Third Revised Adopting Order supersedes Second Revised Adopting Order No. 1 under Basic Order No. 1 under General Order 68 issued May 27, 1946 and effective as of March 30, 1946, and said Second Revised Adopting Order No. 1 under Basic Order No. 1 under General Order 68 is revoked as of the effective date of this order.

SEC. 2. *Definition of retail sales.* A retail sale means any sale to the ultimate consumer, or to a contractor for installation rather than resale, except where the sale is made by a plywood manufacturer, or a plywood distribution plant who in 1941 received more than 20 percent of its dollar income from the sales of plywood or veneer of any kind. These latter types of sales remain subject to the provisions of 3d RMPR 13.

SEC. 3. *Maximum prices.* Maximum prices as herein set forth are different for each of two classes of retailers:

Class I retailers are those who since June 20, 1945, purchased or purchase at least one carload of plywood on direct mill shipment. Any shipment which comes directly from the mill without becoming an integral part of the stock of a distribution plant or a retail yard is a direct mill shipment no matter who the seller is. Class II retailers are all other retail sellers principally those who buy their plywood from distribution plants.

Maximum prices for Class I retailers in quantities under 1,000 square feet are set forth in Table I-A hereto annexed and made a part of this order. Maximum prices for Class I retailers in quantities of 1,000 square feet and over are set forth in Table I§B hereto annexed and made a part of this order. Maximum prices for Class II retailers in quantities under 1,000 square feet are set forth in Table II-A hereto annexed and made a part of this order. Maximum prices for Class II retailers in quantities of 1,000 square feet and over are set forth in Table II-B hereto annexed and made a part of this order.

SEC. 4. *Additions for delivery.* The above prices include all charges and additions for delivery in the seller's free delivery zone as recognized by him during March 1942. No deduction need be made if the purchaser elects to do his own delivery. If delivery is made outside the free delivery zone, the seller may add for delivery as prescribed in sections 4 and 5 of 3d RMPR 13, namely the amount computed by multiplying the estimated weights in section 22 of 3d RMPR 13 by the applicable rail freight rate. Any addition for delivery must be shown separately on the invoice.

SEC. 5. *Discounts and allowances.* The maximum prices in this order include all commissions. All customary discounts for cash must be continued. Differentials in price based on quantity sold must be observed as set forth in the price tables.

SEC. 6. *Relationship of this order to Basic Order No. 1 as amended, under General Order No. 68 as amended and to 3d RMPR 13.* As previously stated all provisions of Basic Order No. 1 as amended, are adopted by this order. The maximum prices fixed by this order supersede any maximum price or pricing method previously established by any other regulation or order and specifically by 3d RMPR 13. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of 3d RMPR 13 shall remain applicable to sales covered by this order.

SEC. 7. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of his list of maximum prices as fixed by this order in each of his places of business within

[1] Filed as part of the original document.

area covered by this order. Class I sellers shall post Tables I–A and I–B, and Class II sellers shall post Tables II–A and II–B. Posting of Tables II–A and II–B, by Class I sellers is a violation of this order.

SEC. 8. *Records and sales slips.* (a) The provisions of section (e) of Basic Order No. 1 covering sales slips and records are adopted in and applicable to this order as though specifically set forth herein; and also on any sale of $50.00 or more each seller regardless of previous custom, must keep records showing at least the following:

(1) Name and Address of buyer.
(2) Date of transaction.
(3) Place of delivery.
(4) Complete description of each item sold and price charged.

(b) *Maximum prices for insufficiently described items.* Where the seller's records or sales slip upon a sale of any commodity covered by this order in the area covered by this order, do not contain a sufficiently complete description to identify the exact nature, type, size, or quantity of the commodity, and thus determine the maximum price fixed by the applicable table of this order, the maximum price applicable to such sale shall be the lowest maximum price which can be computed under the applicable table of this order in accordance with the incomplete description.

SEC. 9. *Adjustments for resellers to reflect increases in supplier prices*—(a) *Applicability.* This section is applicable only to resellers whose supplier's prices have been increased by amendment or order, and where the amendment or order, which grants the increase, provides that all resellers (including those subject to area orders issued under General Order 68) may increase their maximum prices for the commodity in question.

(b) Resellers may increase the prices listed in this order by any amount permitted for resellers by an industry wide or area wide amendment or order increasing the maximum prices of the suppliers of such resellers. This can be done, however, only if the effective date of the action increasing the supplier's maximum price is later than the date stated on the tables of prices contained in this order. Thus, if the subject's maximum price for a product is increased, and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted to resellers by the amendment or order which increased the supplier's maximum price.

SEC. 10. *Revocation or amendment.* This order may be revised, amended, revoked or modified at any time by the Regional Administrator or the Price Administrator.

This order shall be effective as of July 1, 1946.

Issued this 9th day of September 1946.

JAMES L. MEADER,
Regional Administrator.

[F. R. Doc. 46–16626; Filed, Sept. 13, 1946; 8:50 a. m.]

[Wilmington Adopting Order 5 Under Basic Order 3 Under RMPR 251]

INSTALLED INSULATION IN EXISTING STRUCTURES AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN WILMINGTON, DEL., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and under the authority vested in the Regional Administrator of Region 2 by the Emergency Price Control Act of 1942 as amended by section 9 of Revised Maximum Price Regulation 251 as amended and by Revised Procedural Regulation No. 1, which authority has been duly delegated by such Regional Administrator to the District Director, Wilmington District Office, it is hereby ordered that:

SECTION 1. *What this order covers.* This adopting order under Basic Order No. 3 under section 9 to Revised Maximum Price Regulation No. 251 as amended, covers all sales of installed insulation and related and incidental construction work in existing structures in the area hereinafter described. All provisions of Basic Order No. 3 under section 9 of Revised Maximum Price Regulation No. 251 as amended are adopted in this order and are just as much a part of this order as if specifically set forth herein. If said Basic Order No. 3 is amended in any respect, the provisions of said order as amended, shall likewise without further action become part of this order. All persons subject to this Adopting Order are also subject to Basic Order No. 3 under section 9 of Revised Maximum Price Regulation No. 251 as amended, and should be familiar with the provisions of said Basic Order.

SEC. 2. *Territory covered by this order.* The geographical area covered by this order is the State of Delaware.

SEC. 3. *General provisions*—(1) *Related and Incidental Work.* The term "related and incidental" work, for the purposes of this order, shall mean any installation of building materials, or any work necessary for the actual installation of insulation and provided by the seller for which prices are not fixed by this order. Charges for such work shall be determined under RMPR–251, and shall be stated separately on all contracts or invoices.

(2) *Fire retarding.* Where fire retarding material and specified density are required by local building codes, or by any other local ordinance, the cost of doing this work shall be determined under RMPR–251.

(3) *Special insulation.* All types of insulation not expressly listed in the categories contained in this order, shall, for the purposes of this order, be treated as special insulation. Charges for such special insulation shall be determined under Revised Maximum Price Regulation 251, and such charges shall be separately stated on all contracts or invoices.

(4) *Bonded, tar, gravel and metal roofs.* Where it is necessary to preserve the guarantee of a bonded roof, the price of the opening and restoration of the roof to its original condition, in accordance with the guarantee, shall be determined under RMPR–251.

Where it is necessary to open a roof, the exterior of which is composed of tar, gravel, or metal, the price of the opening and restoration of the roof to its original condition shall be determined under RMPR–251.

(5) *Access to areas to be insulated.* The maximum prices fixed by this order include scaffolding and other means for access commonly used by the industry for the installation of insulation.

Where unusual conditions are encountered which require special scaffolding or other special means of access to areas to be insulated, the price of this special work shall be determined under RMPR–251.

(6) *Retaining material.* The price of furnishing and installing retaining materials other than the four standard types specified in this order shall be determined under RMPR–251.

(7) *Finished flooring.* The term finished flooring shall mean flooring strip or parquet up to three and one-quarter inches (3¼") wide, and other architecturally designed or antique flooring that has been sanded, filled, finished, waxed and pressure rubbed, or shellacked to form a finished product.

Where it is necessary to make openings in such floor for the insulation of area under said floor, the price of the openings and restoration of the floor to its original condition shall be determined under RMPR–251.

(8) *Finished ceilings.* Where it is necessary to make openings in a ceiling, or overhang, finished with materials other than the four standard retaining materials specified in this order, for the insulation of areas above such ceiling, the price of the openings and restoration of the ceiling to its original condition shall be determined under RMPR–251.

(9) *Deliveries.* The maximum prices provided by this order shall apply to all installations of insulation made within a radius of 10 miles of the seller's nearest place of business.

For installations of insulation at more distant points, one-half of one percent (½ of 1%) may be added to the total contract price for each mile in excess of 10 miles from the seller's nearest place of business.

SEC. 4. *Maximum prices.* The maximum prices for all sales of installed insulation in existing structures in the area covered by this order are set forth in Schedule A[1] hereto annexed and made a part of this order. The prices fixed in this order apply to all sales in the area covered by this order regardless of the location of the seller's place of business.

SEC. 5. *Relationship of this order to other regulations and orders.* As previously stated, all provisions of Basic Order No. 3 are adopted by this order. The maximum prices regulations fixed by this order supersede sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 as amended with respect to all sales of installed insulation in existing structures in the area covered by this order,

[1] Filed as part of the original document

unless otherwise provided by this order. All other provisions of Revised Maximum Price Regulation No. 251 as amended are applicable to transactions covered by this order unless otherwise specifically provided in this order.

SEC. 6. *Notification.* Every person making sales of insulation covered by this order shall furnish to the purchaser at or before the starting of the work, a copy of the agreement pursuant to which the work is to be done. This agreement shall set forth the name and address of the buyer and of the seller, the location of the work, and an adequate description of the areas to be insulated, the materials to be used, and the services to be performed, and the amount to be paid. If any work other than insulation, for which ceiling prices are fixed by this order is to be performed, the price of such work shall be separately stated.

SEC. 7. *Revocation or amendment.* This order may be revised, amended, revoked, or modified at any time by the Office of Price Administration.

This order shall become effective September 20, 1946.

Issued this 6th day of September 1946.

CHARLES HARDESTY,
District Director.

[F. R. Doc. 46-16633; Filed, Sept. 13, 1946; 8:54 a. m.]

[Birmingham Order G-1 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN MONTGOMERY, ALA., TRADING AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-1 under General Order No. 68 is amended in the following respects:

1. The maximum prices set forth in Table I are amended to read as set forth on the attached revised Table I,[1] effective September 2, 1946.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain building and construction materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new section 4a is added to read as follows:

SEC. 4a. *Adjustment to reflect increase in suppliers price*—(1) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum price for the commodity in question.

(2) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This Amendment No. 2 to Order G-1 under General Order No. 68 shall become effective September 2, 1946.

Issued this the 27th day of August 1946.

SAM J. WATKINS,
District Director.

[F. R. Doc. 46-16628; Filed, Sept. 13, 1946; 8:51 a. m.]

[Birmingham Order G-4 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN SELMA, ALA., TRADING AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-4 under General Order No. 68 is amended in the following respects:

1. The maximum prices set forth in Table I are amended to read as set forth on the attached Revised Table I,[1] effective September 2, 1946.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new section 4a is added to read as follows:

SEC. 4a. *Adjustment to reflect increase in suppliers price* — (1) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum price for the commodity in question.

(2) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This amendment No. 2 to Order G-4 under General Order No. 68 shall become effective September 2, 1946.

Issued this the 29th day of August 1946.

SAM J. WATKINS,
District Director.

[F. R. Doc. 46-16627; Filed, Sept. 13, 1946; 8:51 a. m.]

[Birmingham Order G-8 Under Gen. Order 68, Amdt. 1]

HARD BUILDING MATERIALS IN ANNISTON, ALA., TRADING AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Birmingham District Office, Region IV, of the Office of Price Administration by General Order No. 68 and Regional Delegation Order No. 93, Order G-8 under General Order No. 68 is amended in the following respects:

1. Maximum prices set forth in Table 1 are amended to read as set forth in the attached Revised Table 1,[1] which is incorporated into and made a part of this order.

2. This amendment reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers' Maximum prices established under General Order 68 for certain Building and Construction Materials). Accordingly, this amendment supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

3. A new section 4a is added to read as follows:

SEC. 4a. *Adjustment to reflect increase in supplier's price.*—(1) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area order issued under General Order 68, may increase their maximum prices for the commodity in question.

(2) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your supplier's maximum price. You can only do this, however, if the effective date of the action increasing your supplier's maximum price is later than the date stated on the price list contained in this order. Thus, if your supplier's maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your supplier's maximum price.

This Amendment No 1 to Order G-8 under General Order 68 shall become effective September 9, 1946.

[1] Filed as part of the original document.

Issued this the 4th day of September 1946.

SAM J. WATKINS,
District Director.

[F. R. Doc. 46-16629; Filed, Sept. 13, 1946; 8:52 a. m.]

[Miami Rev. Order G-4 Under Gen. Order 68]

HARD BUILDING MATERIALS IN HILLSBOROUGH COUNTY, FLA.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in Hillsborough County, Florida.

SEC. 2. *Definition of retail sales.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. *Description of items covered by this order.* This order covers the commodities set forth in the annexed price table.

SEC. 4. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. *Maximum prices.* The maximum prices for the building materials covered by this order are set forth in Table 1[1] which is annexed to and made a part of this order.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in Hillsborough County in a manner plainly visible to all purchasers.

SEC. 7. *Sales slips and records.* Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each sale slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of $50.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

SEC. 8. *Adjustment to reflect increase in suppliers price*—(a) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers including those subject to area orders issued under General Order 68 may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

SEC. 9. *Amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 46-16624; Filed, Sept. 13, 1946; 8:48 a. m.]

[Miami Rev. Order G-8 Under Gen. Order 68]

HARD BUILDING MATERIALS IN SARASOTA AND MANATEE COUNTIES, FLA.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the counties of Sarasota and Manatee.

SEC. 2. *Definition of retail sales.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. *Description of items covered by this order.* This order covers the commodities set forth in the annexed price table.

SEC. 4. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. *Maximum prices.* The maximum prices for the building materials covered by this order are set forth in Table 1[1] which is annexed to and made part of this order.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in Sarasota and Manatee counties in a manner plainly visible to all purchasers.

SEC. 7. *Sales slips and records.* Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller, regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each sale slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of $50.00 or more each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

SEC. 8. *Adjustment to reflect increase in supplier's price*—(a) *Applicability* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers, including those subject to area orders issued under General Order 68, may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this

[1] Filed as part of the original document.

order is increased for this product, the amendment to this order will supercede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

SEC. 9. *Amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 46-16634; Filed, Sept. 13, 1946; 8:54 a. m.]

[Miami Rev. Order G-9 under Gen. Order 68]

HARD BUILDING MATERIALS IN MIAMI, FLA., AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. *What this order covers.* This order covers all retail sales by any seller of commodities specified in this order delivered to a purchaser in the counties of Lee, Charlotte, Collier and Hendry in the State of Florida.

SEC. 2. *Definition of retail sales.* For the purposes of this order, a retail sale means a sale to an ultimate user, or to a purchaser for resale on an installed basis.

SEC. 3. *Description of items covered by this order.* This order covers the commodities set forth in the annexed price table.

SEC. 4. *Relation to other regulations.* The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order. Except to the extent they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, or of any other applicable regulation or order shall apply to sales covered by this order. This order reflects the increases in maximum prices permitted by Supplementary Order 172 (Modification of Resellers Maximum Prices Established under General Order 68 for certain Building and Construction Materials). Accordingly, this order supersedes that supplementary order, and the maximum prices established by this amendment cannot be increased under that supplementary order.

SEC. 5. *Maximum prices.* The maximum prices for the building materials covered by this order are set forth in Table 1 [1] which is annexed to and made a part of this order.

SEC. 6. *Posting of maximum prices.* Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order in each of his places of business in Lee, Charlotte, Hendry and Collier Counties in a manner plainly visible to all purchasers.

[1] Filed as part of the original document.

SEC. 7. *Sales slips and records.* Every seller covered by this order who has customarily given his customers a sales slip or other evidence of purchase must continue to do so. Upon request from a customer, such seller regardless of previous custom, shall give the purchaser a receipt showing the date, name and address of the seller, the description of each item sold and the price received for it. If he customarily prepared his sales slips in more than one copy, he must keep for at least 6 months after delivery a duplicate copy of each sale slip delivered by him pursuant to this section. Each such seller shall also keep at least such records of each sale as he customarily kept. For any sale of $50.00 or more, each seller, regardless of previous custom, must keep records showing at least the following:

1. Name and address of buyer.
2. Date of transaction.
3. Place of delivery.
4. Complete description of each item sold and price charged.

SEC. 8. *Adjustment to reflect increase in suppliers price*—(a) *Applicability.* This section is applicable only where the amendment or order which grants your supplier an increase in his maximum price provides that all resellers including those subject to area orders issued under General Order 68 may increase their maximum prices for the commodity in question.

(b) *Maximum price.* You may increase the price listed in this order by the amount permitted for resellers by the amendment or order increasing your suppliers maximum price. You can only do this, however, if the effective date of the action increasing your suppliers maximum price is later than the date stated on the price list contained in this order. Thus, if your suppliers maximum price for a product is increased and at some later date the price listed in this order is increased for this product, the amendment to this order will supersede the increase originally granted you by the amendment or order increasing your suppliers maximum price.

SEC. 9. *Amendment.* This order may be amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 24, 1946.

Issued this 22d day of August 1946.

BERNARD C. GOODWIN,
District Director.

[F. R. Doc. 46-16635; Filed, Sept. 13, 1946; 8:55 a. m.]

[Peoria Rev. Order G-6 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN ROCKFORD, ILL., AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Appendix A to Order No. G-6 under General Order No. 68 is amended by deleting the following item:

Description of Materials and Unit Price

Concrete block 8 x 8 x 16 (sand and gravel): Each, $0.15.

This Amendment No. 2 to Revised Order No. G-6 under General Order No. 68 shall become effective September 9, 1946.

Issued this 5th day of September 1946.

KENNETH H. LEMMER,
District Director.

[F. R. Doc. 46-16632; Filed, Sept. 13, 1946; 8:53 a. m.]

[Peoria Rev. Order G-7 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN ROCK ISLAND-MOLINE, ILL., AREA

An opinion accompanying this Amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Appendices A and B to Order No. G-7 under General Order No. 68 is amended by deleting the following items:

Description of Materials and Unit Price

Concrete Block 8 x 8 x 16" Cinder: Each, $0.19.

Concrete Block 8 x 8 x 16" Sand: Each, $0.18.

This Amendment No. 2 to Revised Order No. G-7 under General Order No. 68 shall become effective September 9, 1946.

Issued this 5th day of September 1946.

KENNETH H. LEMMER,
District Director.

[F. R. Doc. 46-16631; Filed, Sept. 13, 1946; 8:53 a. m.]

[Peoria Rev. Order G-8 Under Gen. Order 68, Amdt. 2]

HARD BUILDING MATERIALS IN KANKAKEE, ILL., AREA

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Appendix A to Order No. G-8 under General Order No. 68 is amended by deleting the following item:

Description of Materials and Unit Price

Concrete block 8 x 8 x 16 (sand and gravel): Each, $0.17.

This Amendment No. 2 to Revised Order No. G-8 under General Order No. 68 shall become effective September 9, 1946.

Issued this 5th day of September 1946.

KENNETH H. LEMMER,
District Director.

[F. R. Doc. 46-16630; Filed, Sept. 13, 1946; 8:53 a. m.]

[Region VIII, Order G-22 Under RMPR 251]

CONSTRUCTION SERVICES AND BUILDING MATERIALS IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by sections 9 and 20 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

(a) *Explanation of this order*—(1) *In general.* This order establishes maxi-

mum prices for various sales of installed materials and construction services subject to Revised Maximum Price Regulation No. 251. In the body of this order there are described the methods by which a seller may determine his maximum prices, as, for instance, by using a customer's hourly rate or by adding a mark-up to his costs; also described are permissible extra allowances, such as for mileage or out-of-town expenses, and the requirements of the order in respect to records and invoices. In the body of the order, however, the exact amounts of the applicable hourly rates or markups or allowances are not stated; for convenience they have been set forth in appendices[1] to the order. These appendices and the areas to which they relate are as follows:

Appendix A—Southern California. The following counties in the State of California: Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

Appendix B—Northern California. All counties in the State of California except those in the Southern California area.

Appendix C—Arizona Area. The State of Arizona (except those portions of Coconino and Mohave counties lying north of the Colorado River.)

Appendix D—Nevada Area. The State of Nevada.

Appendix E—Oregon-Southern Washington Area. The State of Oregon (except Malheur County) and Clark, Klickitat, Cowlitz, Skamania, and Wahkiakum counties in the State of Washington.

Appendix F—Western Washington Area. The following counties in the State of Washington: Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, Yakima, and Okanogan (except that portion thereof lying south of a line extending northeast from the most northerly point of Douglas County).

Appendix G—Eastern Washington-Northern Idaho Area. Northern Idaho, southward to and including Idaho county, and the following counties in the state of Washington: Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman, and that portion of Okanogan County lying south of a line extending northeast from the most northerly point of Douglas County.

(2) *Sellers covered by this order.* In each appendix are a number of tables.[1] Each table covers but one trade and sets out the permissible markups, hourly rates, mileage allowances, etc., which a seller in that trade must use in determining his maximum price for a particular job. (The tables for a particular trade, for the sake of uniformity, have been given the same designation or number in each appendix. In some areas a particular trade may not be affected by this order; in such a case the table in the appendix applicable to that trade will contain an instruction to "Price under MPR 251". This means that, until this order is amended, sellers referred to by that table should continue to determine their maximum prices under Revised Maximum Price Regulation No. 251, or any applicable order issued thereunder, and that such sellers are not subject to this order).

The tables in the appendices[1] to this order and the trades or services to which they relate are as follows (additional tables may be added from time to time):

Table:
1. General Contracting Services.
2. Plumbing Services.
3. Electrical Services.
4. Painting and Paperhanging Services.
5. Sheet Metal and Heating Services.
6. Tile Services.
7. Brickmasonry Services.
8. Cement and Concrete Services.
9. Lathing and Plastering Services.
10. Hardwood Flooring Services.

(3) *Use of the tables in the appendices[1] to this order.* In the tables which a seller should use in applying the pricing methods described by this order, there will be found a number of markup percentages, hourly rates, mileage allowances, and similar data, with an indication of the paragraph of this order in connection with which the particular markup or other item is to be used. When a seller covered by the tables seeks to determine a maximum price under a particular paragraph, he should use the markups or other data provided for that paragraph.

(4) *Area in which work is performed is controlling.* Each appendix to this order applies to all work (of the listed kinds) performed in the area to which that appendix applies; and the location of a seller's place of business is not controlling. Thus, in some cases a seller located in one area will perform work in another area. In every such case his maximum price is to be determined in accordance with the method provided for the area where the work is performed.

(5) *Exceptions from the general provisions of this order.* In some instances tables will contain exceptions from the general provisions of this order, or will conflict with it. In any such instance the provisions of the tables are controlling.

(6) *Scope of this order.* The maximum prices established by this order include all expenses, and no additional charge may be made for any other cost or incidental service.

(b) *Prohibitions.* The maximum price for any construction service or sale of installed materials, when performance thereof is in a place to which an appendix to this order relates, and when this order and a table in such appendix provide a method of determining a maximum price therefor, shall be the price determined in accordance with that method. No person shall sell or deliver any installed materials or sell or supply any construction services, or in the course of trade or business buy or receive such materials or services, at a price higher than such maximum price.

Lower prices than the maximum price may, of course, be charged, demanded, offered, or paid.

(e) *Explanation of methods of determining a maximum price.* This order provides that for most jobs a seller will determine his maximum price by adding a margin to his costs, as explained in paragraph (d), which applies to all except certain small jobs covered by paragraph (e). For small jobs to which paragraph (e) applies, a seller will determine his maximum price on a time and materials basis.

Maximum prices, whether determined under paragraph (d) or paragraph (e), in each case are subject to certain limitations or are entitled to certain additions. These are set out in separate paragraphs of the order. Thus, paragraph (f) places additional limitations on the maximum price of a job performed on the basis of an estimated price; paragraph (g) permits certain additional charges for work performed on the basis of a lump-sum or guaranteed price; paragraph (h) provides an allowance for mileage and out-of-town expenses and certain other expenses.

(d) *General pricing method.* This paragraph explains how to determine a maximum price for most jobs, namely, all except small jobs subject to paragraph (e). For jobs shown by the appropriate table to be covered by this paragraph, the maximum price shall be determined as follows:

(1) The maximum price shall be the sum of labor costs, material costs, "other direct costs" as defined in this order, and the margin provided by the appropriate table, the amount of the margin being dependent on the total of such costs. Such margin, when stated as a percentage, is a percentage of cost rather than of selling price. *Provided, however,* That:

(i) For sellers in business during March, 1942, the margin shall not exceed the margin used in the most comparable job during the period January 1, 1939, to March 31, 1942, or the margin provided by the appropriate table, whichever is lower; and (ii) no margin may be added to the cost of subcontracts except subcontractors incidental to the main contract.

(2) "Other direct costs" include only the cost of subcontracts (subject to the limitations stated above), workmen's compensation insurance, social security tax, unemployment compensation tax, public liability insurance (not exceeding ½% of the labor costs on the job), sales tax, building permits and fees, public utility costs borne by the seller, and such other items as may be provided by the appropriate table.

They do not include administrative and overhead costs and selling expenses nor do they include the additional allowances permitted by other paragraphs of this order; these additional allowances, such as for mileage and out-of-town expenses, although a charge may be made therefor, are not subject to a markup.

(e) *Pricing method for small jobs.* For small jobs (selling within the price limitation stated in the appropriate table) the maximum price shall be the sum of a charge for labor, materials used, and such other charges as may be permitted by this order. The maximum charge for labor shall be the sum of sep-

[1] Filed as part of original document.

arate charges determined by multiplying the number of hours of labor performed in each category by the maximum hourly rate applicable to that category, as provided by subparagraph (e) (1). The maximum price of the materials used shall be determined as is provided by subparagraph (e) (2).

(1) *Maximum hourly rate for labor.* (i) For sellers who employ one or more workmen (including partnerships) the maximum hourly rate shall be either the hourly rate stated in the appropriate table or the "labor cost" per hour multiplied by the percentage stated in such table, rounded to the nearest 5 cents, whichever is lower.

(ii) For sellers who employ no workmen, but who perform their own work on the job, the maximum hourly rate shall be that provided by the appropriate table or (if no rate is there provided) the rate provided for journeymen workmen under subparagraph (e) (1) (i), above.

(iii) Overtime work may be charged for at 1½ times the rate provided above, or at 2 times such rate whenever sellers are required by union contract to pay labor at a doubled wage rate; but an overtime rate may be charged only if overtime work is performed at the customer's request and only if the employee (if any) is actually paid on an overtime basis, and only if the work is performed on Saturday, Sunday, a legal holiday, at nighttime between 6 p. m. and 8 a. m., or after the performance of a standard day's work. A standard day's work shall consist of 8 hours unless otherwise stipulated between labor union and seller.

(iv) Measurement of hours. The total number of hours per workman chargeable against any job is to be computed from the time such workman leaves the seller's shop or field office or the previous job (whichever is later) until he completes the job (if he proceeds to another job) or until he returns to the shop or field office (if he proceeds there directly), excluding, however, any stops or delays in transit. Time in transit to and from any one job may be charged only once each day. The man-hours for which charges may be made shall not exceed those actually paid for by the seller and shown in the seller's payroll record and on any records or invoices which this order may require the seller to prepare, issue, or keep.

(v) The minimum charge provided by the appropriate table (or, if none is so provided, then the minimum price for one hour's work by one employee) may be made for jobs which would otherwise have a price less than that amount.

(2) *Material.* For any sale priced under this paragraph the maximum price of new materials shall be the highest price the seller charged therefor during March, 1942, plus any increases authorized by the Office of Price Administration for sales at retail, or the prices stated therefor in the publication described in the appropriate table (as of the effective date of such table), whichever is lower.

For any used materials or materials which cannot be priced as provided above, or for which no publication is named in the appropriate table, the maximum price shall be the seller's cost thereof, plus the percentage of such cost stated in the appropriate table, or the maximum price provided by the appropriate regulation for sales at retail, whichever is lower.

Only materials actually and necessarily used on the job shall be charged to the customer.

(3) *Subcontracts.* A seller pricing under this paragraph may recover the cost of subcontracts and, for subcontracts incidental to the main contract, a margin of 20% of such cost.

(4) *Permits.* A seller pricing under this paragraph may recover the amount of any fee paid to any government agency for a permit to perform a specified job.

(5) *Other charges.* A seller pricing under this paragraph may make such other charges as may be provided by the appropriate table.

(f) *Estimates.* When work is performed on the basis of an estimate submitted by the seller, the maximum price may not exceed the estimated price by more than 15%.

(g) *Lump-sum Contracts.* When work is performed on the basis of a lump-sum or guaranteed price, established by a binding contract, the maximum price of such work shall be the maximum price otherwise established by this order plus the amount (if any) provided by the appropriate table.

(h) *Other charges.* In addition to any price otherwise permitted by this order, a seller may make the following charges:

(1) *Mileage.* For necessary travel between a seller's nearest place of business and a job (as measured along the most direct customary route) the charge per mile (if any) stated in the appropriate table may be made for travel in excess of the minimum number of miles (if any) stated in such table.

(2) *Out-of-town expenses.* A seller may be reimbursed for expenses incurred by him for employees required to remain out of town for the purposes of a job, but such reimbursement may not exceed the amount stated in the appropriate table and may not be had unless explained to and authorized by the customer prior to commencement of the work.

(3) *Other charges.* A seller may make such other charges as may be provided by the appropriate table. When provision is made for allowance of "rentals of special equipment subject to Maximum Price Regulation No. 134" a seller may charge for each item of equipment used on the job and covered by that regulation the maximum price provided by such regulation for fully-operated rentals; but, if such equipment is owned by him or is not rented from a third person on a fully-operated basis, he may not, under other provisions of this order, make a charge for his costs of operation (including labor and materials) nor treat such costs as labor costs, material costs, or other direct costs.

(i) *Adjustments.* In the case of any seller who shows himself to be entitled to an adjustment under section 8 (c) of Revised Maximum Price Regulation No. 251, the Regional Administrator, by individual order or otherwise, may provide an adjustment hereunder.

Any seller who has customarily sold a particular service on the basis of a flat price may apply for permission to use such a price. If such price does not exceed the maximum price provided herein, the Regional Administrator, by individual order issued hereunder or otherwise, may authorize use of a flat price by such seller for that service.

(j) *Records and invoices.* Every person making sales subject to this order, for each such sale, shall furnish the customer an invoice or sales slip and shall keep records. Such sales slip or invoice and such records shall contain a certification that the price charged does not exceed the price permitted by this order No. G–22 and shall set forth the names and addresses of the buyer and seller, a description of the job, including its location and date of its completion, and the total price charged. In addition, except for sales slips or invoices relating to sales made on the basis of a lump-sum or guaranteed price, they shall contain itemized information sufficient to show the correctness of the price charged, including, wherever relevant, a description of the materials used and the cost and price of each item, a statement of the wage rates and hours of labor worked at each rate, a description of each item of cost and the amount thereof, and a full description of each charge authorized by this order. Duplicate copies of invoices or sales slips may be used in lieu of the records required by this paragraph, but only if they contain all the information required to be in such records. These records and any other records required by this order shall be kept by the seller at his place of business for so long as the Emergency Price Control Act of 1942, as amended, may remain in effect and shall be available at all times for inspection by the Office of Price Administration. No charge may be made for any item as to which a seller fails to issue the invoices or sales slips or to keep the records as required by this order.

(k) *Relation to Revised Maximum Price Regulation No. 251.* Except as may be otherwise provided in this order, this order supersedes sections 6, 7, and 8 of Revised Maximum Price Regulation No. 251 and any other orders issued under section 9 thereof, with respect to sales covered by this order, including orders issued to individual sellers pursuant to section 6 (b) or 8 (c) thereof. Except to the extent that they are inconsistent with the provisions of this order, however, all other sections of Revised Maximum Price Regulation No. 251, together with all amendments thereto that have been or may be issued, shall apply to sales covered by this order, including specifically the following sections of that regulation:

Sec. 10. Prohibitions against sales at higher than maximum prices.
Sec. 11. Evasions.
Sec. 16. Enforcement.
Sec. 17. Licensing.

(l) *Definitions and explanations of provisions of this order.* (1) Words and phrases used in this order have the same meaning as in the Emergency Price Control Act of 1942, as amended, and as in Revised Maximum Price Regulation No.

251, unless the context or one of the following definitions indicates otherwise.

(2) "Appropriate table" means that table, in the appendix[1] applying to the area in which a particular job is performed, which sets forth pricing data applicable to such job. For example, the "appropriate table" for a person supplying plumbing services in table 2 in the appendix relating to the area in which the service is performed.

(3) "Labor cost" means the wage rate in effect on October 3, 1942, or the wage rate which has been approved by any governmental agency exercising jurisdiction over such rate for the particular classification of labor in the area in which the work is performed but not more than the wage rate actually paid, and it refers only to productive labor directly employed on a job, including foremen but excluding superintendents. In the case of a seller performing some of the direct work on a job himself, his "labor cost" therefor shall be deemed to be the wage rate prevailing in the area for journeyman workmen in the particular trade.

(4) Wherever this order refers to a seller's cost it refers to an amount which does not exceed the seller's legal acquisition cost and, in the case of articles manufactured by the seller, to an amount not exceeding the maximum price for sales thereof to contractors.

(5) "Subcontracts incidental to the main contract" refers to subcontracts covering subordinate incidents of the main contract for a job and involving work or service of a kind different from that which the seller is principally engaged in supplying.

(6) "Job" means all work performed by one seller (either directly or through subcontracts) for one buyer in or about the same building, structure, or construction project, either concurrently or successively or under a single contract.

(7) "Services" means installation and repair of materials or equipment in a building, structure, or construction project, and the sale of such items on an installed basis. It also includes all services incidental thereto, such as cleaning and preparation of the premises.

(8) "General contracting services" refers to services performed by general contractors and means the erection of any residential or commercial building or structure (including the sale of any installed materials necessary thereto) for a price not exceeding $20,000; or the repair or alteration of any such building or structure (including the sale of any installed materials necessary thereto) when such repair or alteration has a price not exceeding $20,000 and

(i) Involves principally carpentry work or

(ii) Involves either two or more subcontracts or the work of three or more trades, such as carpentry, plumbing, electrical, plastering, painting, tiling, roofing, etc. or

(iii) Is performed by a person holding a general contractor's license or equivalent in any state in which such licenses are issued by a state regulatory body.

(9) "Plumbing services" means services rendered in connection with gas, water, fuel, and oil, and steam distribution or waste removal systems, and includes installation of oil burners, feed lines, and automatic sprinklers.

(10) "Electrical services" means services rendered in connection with any electrical device, wiring, or equipment.

(11) "Painting and paperhanging services" means services rendered in connection with wallpaper or decorating or surface-finishing paper or any paint, calcimine, shellac, varnish, or other protective or ornamental coating.

(12) "Sheet metal and heating services" means services rendered in connection with sheet metal and sheet metal fixtures such as gutters, furnaces, ducts, ventilators, and related items. It does not include plumbing services or electrical services.

(13) "Tile services" means services rendered in connection with tile used for the finishing of surfaces other than roofs.

(14) "Brick masonry services" means services rendered in connection with brick, including glass brick and concrete blocks.

(15) "Cement and concrete services" means services rendered in connection with cement or concrete, but excluding brickmasonry services.

(16) "Lathing and plastering services" means services rendered in connection with lath or plaster, including wood lath, gypsum lath, metal lath, and stucco wire mesh, and including stucco and stucco brush coat.

(17) "Hardwood flooring services" means services rendered in connection with hardwood flooring, including sanding and finishing of new flooring but excluding sanding and refinishing of old flooring.

(m) *Revocation, amendment and effective date.* This order may be revoked or amended at any time.

This order shall become effective July 14, 1946.

Issued this 25th day of June 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-16638; Filed, Sept. 13, 1946; 8:56 a. m.]

[1] Filed as part of original document.

PRICE DECONTROL BOARD.

BUTTER AND CHEESE PRICES

The Price Decontrol Board on August 20, 1946, directed that milk and the food and feed products processed or manufactured in whole or substantial part from milk should not be subject to price control because at that time the Board failed to find that prices of dairy products had risen unreasonably above June 30 prices plus subsidies.

In reaching this determination, the Board found that the supply of milk and milk products was short of demand and would continue short until the approach of the next flush season. The Board found that the regulation of milk and its products is enforceable and practicable and that the public interest requires that undue price increases of dairy products be avoided.

The Board announced in its determination that it would continue to watch prices of milk and milk products and would reconsider its determination if thereafter evidence appears that price increases since June 30 are unreasonable.

Since its decision the Board has noted with concern the rise in butter and cheese prices. On August 20 the wholesale price for 92 score butter at Chicago was 67.6 cents, about 2.8 cents below the ceiling plus subsidy. On September 11 this price had risen to 75 cents, about 4.1 cents above the ceiling plus subsidy. On August 20 the latest price available for cheddar cheese on the Wisconsin Cheese Exchange was 41 cents, about 2 cents above the ceiling plus subsidy. On September 6 this price had risen to 43½ cents, or about 4½ cents above the ceiling plus subsidy.

The Board has observed that these butter and cheese prices have advanced significantly more than the prices of other manufactured dairy products and that these higher prices threaten to cause increases in the prices of other manufactured dairy products.

As a consequence of these price increases, the Board hereby gives notice to all concerned that:

1. Any person having evidence or views with respect to the reasonableness or unreasonableness of these butter and cheese price increases may present such evidence or views in writing to the Price Decontrol Board. Written evidence or views must be received on or before September 18, 1946 by the Secretary of the Price Decontrol Board, Room 1212, Federal Reserve Building, Washington 25, D. C.; and

2. The Price Decontrol Board will meet on September 18 to consider the evidence and views so presented and to determine whether action of the Board under authority contained in section 1A (e) (8) (c) of the Emergency Price Control Act of 1942, as amended, should be taken on dairy products; and

3. The Price Decontrol Board will also on September 18 consider butter and cheese price movements which may have occurred since issuance of this notice or which may thereafter be anticipated.

Issued and effective this 12th day of September 1946.

MARVIN A. BROOKER,
Secretary to the Board.

[F. R. Doc. 46-16703; Filed, Sept. 17, 1946; 8:48 a. m.]